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BEFORE THE  
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

IN THE MATTER OF THE: )  
 )  
REGULAR MONTHLY BUSINESS )  
MEETING )  
\_\_\_\_\_ )

DATE AND TIME: WEDNESDAY, OCTOBER 22, 1997  
9:30 A.M.

PLACE: BOARD HEARING ROOM  
8800 CAL CENTER DRIVE  
SACRAMENTO, CALIFORNIA

REPORTER: BETH C. DRAIN, RPR, CSR  
CERTIFICATE NO. 7152

BRS FILE NO.: 42105

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#### APPEARANCES

MR. DANIEL G. PENNINGTON, CHAIRMAN  
MR. ROBERT C. FRAZEE, VICE CHAIRMAN  
MR. WESLEY CHESBRO, MEMBER  
MS. JANET GOTCH, MEMBER  
MR. STEVEN R. JONES, MEMBER  
MR. PAUL RELIS, MEMBER

#### STAFF PRESENT

MR. RALPH CHANDLER, CHIEF EXECUTIVE OFFICER  
MR. KEITH SMITH, DEPUTY EXECUTIVE OFFICER  
MS. KATHRYN TOBIAS, CHIEF LEGAL COUNSEL  
MS. MARLENE KELLY, BOARD SECRETARY  
MS. PATTI BERTRAM, ADMINISTRATIVE ASSISTANT

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CONDITIONALLY APPROVED SOURCE REDUCTION AND  
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1       SACRAMENTO, CALIFORNIA; WEDNESDAY, OCTOBER 22, 1997

2                               9:30 A.M.

3

4               CHAIRMAN PENNINGTON:   GOOD MORNING.   AND  
5       WELCOME TO THE OCTOBER MEETING OF THE CALIFORNIA  
6       INTEGRATED WASTE MANAGEMENT BOARD.   IF YOU WILL  
7       BEAR WITH ME AND FORGIVE ME, I'M FIGHTING A COLD.  
8       SO IF I DO A LITTLE COUGHING AND IT'S A LITTLE HARD  
9       TO HEAR ME, I APOLOGIZE.   I'LL TRY TO STAY ON THE  
10      STRAIGHT AND NARROW.

11                       WOULD THE SECRETARY CALL THE ROLL,  
12      PLEASE.

13               THE SECRETARY:   BOARD MEMBER CHESBRO.

14               BOARD MEMBER CHESBRO:   HERE.

15               THE SECRETARY:   FRAZEE.

16               BOARD MEMBER FRAZEE:   HERE.

17               THE SECRETARY:   GOTCH.

18               BOARD MEMBER GOTCH:   HERE.   AND, MR.

19      CHAIR, THAT MAKES TWO OF US.

20               THE SECRETARY:   JONES.

21               BOARD MEMBER JONES:   HERE.   I HATE TO SAY  
22      IT'S THREE.

23               THE SECRETARY:   RELIS.

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24 BOARD MEMBER RELIS: HERE.

25 THE SECRETARY: CHAIRMAN PENNINGTON.

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1                   CHAIRMAN PENNINGTON:   HERE.   WE HAVE A  
2   QUORUM.   MRS. GOTCH, YOU PROBABLY GOT YOURS IN A  
3   MUCH MORE FASCINATING PLACE THAN I DID, THOUGH.

4                   BOARD MEMBER GOTCH:   YES, I DID, ON A  
5   PLANE, I THINK.

6                   CHAIRMAN PENNINGTON:   THANK YOU.   WE HAVE  
7   A QUORUM.   DO WE HAVE -- ANY BOARD MEMBERS HAVE ANY  
8   EX PARTE COMMUNICATIONS?   I'LL START WITH MR.  
9   RELIS.

10                  BOARD MEMBER RELIS:   JUST WE'RE GETTING  
11   STILL MAIL IN WHICH I'M SURE WE'RE ALL RECEIVING  
12   REGARDING THE RESOLUTION 97-425, THE LATEST FROM  
13   COMMUNITIES FOR A BETTER ENVIRONMENT.   AND THEN I  
14   JUST WANT TO NOTE THAT I SAID HELLO TO NANCY NOLEN  
15   INTRODUCED HERSELF FROM ECOPAVE A FEW MOMENTS AGO.

16                  CHAIRMAN PENNINGTON:   OKAY.   MR. JONES.

17                  BOARD MEMBER JONES:   YEAH.   THE TWO  
18   LETTERS FROM COMMUNITIES FOR BETTER ENVIRONMENT, AS  
19   WELL AS ONE FROM THE CENTER ON RACE, POVERTY, AND  
20   THE ENVIRONMENT ON 97-425, AND SAID HELLO TO  
21   MICHAEL GERSICK.

22                  CHAIRMAN PENNINGTON:   MR. CHESBRO.

23                  BOARD MEMBER CHESBRO:   WELL, I GOT A LIST



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24 OF, LIKE, 18 LETTERS ON THE ITEM 45. I DON'T KNOW  
25 IF OTHERS HAVE THAT LIST.

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1                   CHAIRMAN PENNINGTON: I HAD PLANNED ON --  
2 I ACTUALLY GOT 30 SOMETHING, AND WE'VE ENTERED THEM  
3 INTO THE EX PARTE FILE, AND I WAS GOING TO SAY THAT  
4 THEY'LL BE MADE A PART OF THIS RECORD TOO.

5                   BOARD MEMBER CHESBRO: ON THE ASSUMPTION  
6 THAT THEY MAY NOT ALL BE ON THERE, I'LL GIVE THIS  
7 LIST TO MARLENE.

8                   THE SECRETARY: I HAVE GIVEN A COPY TO  
9 BETH TO INCLUDE IN THE TRANSCRIPT.

10                  BOARD MEMBER CHESBRO: ALSO, I HAVE A  
11 SERIES OF LETTERS ON THE SHOP SMART CAMPAIGN AND A  
12 LETTER THAT WE EX PARTE'D YESTERDAY AT COMMITTEE  
13 FROM THE COUNTY OF LOS ANGELES REGARDING THE CITY  
14 OF -- COUNTY OF L.A.'S CIWMP AND SITING ELEMENT,  
15 LETTER FROM KAY MARTIN, COUNTY OF VENTURA,  
16 REGARDING VENTURA COUNTY CEQA ISSUES, AND A LETTER  
17 FROM CRRA REGARDING THE CRRA CONFERENCE. SO I'LL  
18 SUBMIT THAT LIST TO MARLENE.

19                  CHAIRMAN PENNINGTON: OKAY. THANK YOU.  
20 MRS. GOTCH.

21                  BOARD MEMBER GOTCH: SAME LETTERS THAT  
22 WERE MENTIONED EARLIER, AND I'LL GIVE MY LIST TO  
23 MARLENE. ALSO THE SHOP SMART CAMPAIGN LETTERS.

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24     ADDITIONALLY, I SAID HELLO TO MICHAEL BYRNE THIS  
25     MORNING.

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1                   BOARD MEMBER CHESBRO:   DITTO.

2                   BOARD MEMBER GOTCH:   FINALLY, A LETTER  
3 FROM HAL MCINTYRE, WALT DISNEY IMAGINEERING,  
4 REGARDING THE COMMUNITY DEVELOPMENT PROJECT  
5 CELEBRATION.

6                   CHAIRMAN PENNINGTON:   VERY GOOD.   MR.  
7 FRAZEE.

8                   BOARD MEMBER FRAZEE:   YES.   MINE ARE ALL  
9 IN THE FILE WITH THE EXCEPTION OF THE THREE LETTERS  
10 THAT WERE PREVIOUSLY MENTIONED BY MEMBER JONES.

11                  CHAIRMAN PENNINGTON:   OKAY.   AS I SAID, WE  
12 RECEIVED A LOT OF LETTERS AND PHONE CALLS ON ITEM  
13 45, AND WE WILL MAKE THOSE A PART OF THE RECORD OF  
14 TODAY'S BOARD MEETING, AS WELL AS ENTERING THEM  
15 INTO THE EX PARTE FILE.

16                  REMINDER, THAT IF THERE'S ANYONE HERE  
17 WHO WISHES TO ADDRESS THE BOARD ON ANY OF THE  
18 BOARD'S AGENDA ITEMS, THERE ARE SPEAKER REQUEST  
19 FORMS IN THE BACK OF THE ROOM.   AND IF YOU WILL  
20 FILL ONE OUT, HAND IT TO MS. KELLY, OUR SECRETARY,  
21 SHE WILL MAKE SURE THAT I GET IT AND WE'LL CALL ON  
22 YOU.

23                  I HAVE TWO ANNOUNCEMENTS ABOUT THE

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24 BOARD AGENDA. ITEMS 38, 39, AND 42 HAVE BEEN

25 PULLED FROM TODAY'S AGENDA. ITEM 46 WILL BE HEARD

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1     BEFORE ITEM 45.   ITEM 45 WILL BE HELD FOLLOWING THE  
2     LUNCH BREAK TODAY, WHICH WILL PROBABLY BE 1:00 OR  
3     1:30.   I MEAN THE END OF THE LUNCH BREAK WILL BE  
4     1:00 OR 1:30.

5                     AND NOW WE'LL HAVE THE REPORTS OF THE  
6     BOARD'S COMMITTEES STARTING WITH LEGISLATION AND  
7     PUBLIC EDUCATION CHAIRED BY MRS. GOTCH.

8                     BOARD MEMBER GOTCH:   THANK YOU, MR. CHAIR.  
9     DUE TO THE FACT THAT THE LEGISLATURE IS CURRENTLY  
10    OUT OF SESSION, THE LEGISLATION AND PUBLIC  
11    EDUCATION COMMITTEE DID NOT MEET THIS MONTH;  
12    HOWEVER, WE WILL BE MEETING AGAIN NEXT MONTH TO  
13    DISCUSS THE PUBLIC AFFAIRS AND PUBLIC EDUCATION  
14    PLANS.   AND THAT CONCLUDES MY REPORT.

15                    CHAIRMAN PENNINGTON:   VERY GOOD.   THANK  
16    YOU.   LOCAL ASSISTANCE AND PLANNING CHAIRED BY MR.  
17    CHESBRO.

18                    BOARD MEMBER CHESBRO:   MR. CHAIRMAN, THE  
19    LOCAL ASSISTANCE AND PLANNING COMMITTEE CONSIDERED  
20    34 PLANNING DOCUMENTS, REPRESENTING 25 JURIS-  
21    DICTIONS, AND ALL OF THOSE PLANS ARE ON THE CONSENT  
22    CALENDAR.

23                    I DID WANT TO NOTE ONE OF THEM,

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24       HOWEVER, BECAUSE IT HIGHLIGHTS SOME OF THE THINGS  
25       THAT ARE GOING ON OUT WITH LOCAL GOVERNMENTS AND

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1     THAT OUR STAFF HAVE BEEN WORKING ON BASED ON  
2     DIRECTION FROM THE BOARD.   THE ONE I WANTED TO  
3     HIGHLIGHT WAS SISKIYOU COUNTY AND THE CITIES WITHIN  
4     SISKIYOU COUNTY.

5                   LESS THAN A YEAR AGO BOTH THE COUNTY  
6     AND A NUMBER OF THE CITIES WITHIN THE COUNTY WERE  
7     IN TROUBLE IN TERMS OF BEING ON TARGET AND ON  
8     SCHEDULE FOR COMPLIANCE WITH THE 939 PLANNING AND  
9     DIVERSION REQUIREMENTS.   WITH THE LEADERSHIP OF  
10    SEVERAL MEMBERS OF THE COUNTY BOARD OF SUPERVISORS  
11    AND ASSISTANCE FROM OUR OFFICE OF LOCAL ASSISTANCE  
12    STAFF, PARTICULARLY HEIDI SANBORN AND MICHELLE  
13    LAWRENCE, WHO REALLY WENT, I THINK, THE EXTRA MILE  
14    TO MAKE THIS WORK, SISKIYOU HAS COMPLETED ALL OF  
15    THEIR PLANS AND FORMED A REGIONAL AGENCY TO  
16    COOPERATIVELY IMPLEMENT THEIR AB 939 PROGRAMS,  
17    SAVING THE JURISDICTIONS TIME AND MONEY AND ALSO  
18    REDUCING THE AMOUNT OF STAFF AND BUDGET FROM THE  
19    BOARD THAT WE WILL HAVE TO SPEND MONITORING THE  
20    INDIVIDUAL JURISDICTIONS AND REVIEWING THEIR  
21    INDIVIDUAL PLANS.

22                   THE BOARD WILL ALSO BE APPROVING ON  
23    THE CONSENT CALENDAR A TIME EXTENSION, GIVING THEM



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24 UNTIL THE END OF 1997 TO REACH 25 PERCENT WASTE  
25 REDUCTION AND A GOAL REDUCTION FOR THE YEAR 2000.

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1     AND JUST I THINK IT'S A GREAT EXAMPLE OF HOW RURAL  
2     JURISDICTIONS CAN MAKE AB 939 WORK AND HOW THE  
3     BOARD IS BEING SUCCESSFUL IN STREAMLINING THE  
4     ASSISTANCE MEASURES, WHICH WAS ONE OF THE THINGS WE  
5     HAD ASKED OUR STAFF TO GO TO WORK ON, AND THEY HAVE  
6     DONE THAT.    SO I'M NOT JUST PATTING THE LOCAL  
7     GOVERNMENT AND THE BOARD ON THE BACK, BUT ALSO OUR  
8     STAFF.    I THINK THEY'VE DONE A GREAT JOB.

9                   TWO ACTIONS WERE FORWARDED TO THE  
10    FULL BOARD.   ONE IS THE CONSIDERATION OF THE  
11    BIENNIAL REVIEW PROCESS, WHICH IS VERY IMPORTANT  
12    FROM THE STANDPOINT OF THE ENFORCEMENT OF 25  
13    PERCENT, WHICH WAS ANOTHER THING THAT THE BOARD  
14    ASKED STAFF TO FOLLOW THROUGH AND PROCEED ON, AND  
15    THE OTHER IS THE STAFF'S PROPOSAL TO DEVELOP THE  
16    INTEGRATED DATA SYSTEM.

17                   ALTHOUGH BOTH ITEMS COME TO THE FULL  
18    BOARD WITH A UNANIMOUS VOTE FROM THE COMMITTEE, THE  
19    COMMITTEE MEMBERS FELT THAT THE INFORMATION THAT  
20    WAS SUBMITTED ON BOTH ITEMS DURING THE COMMITTEE  
21    MEETING WAS TOO IMPORTANT NOT TO HAVE IT PRESENTED  
22    TO THE FULL BOARD.

23                   ALSO, THE COMMITTEE HEARD AN UPDATE

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24 ON THE REPORT TO DEVELOP QUANTITATIVE MEASUREMENT  
25 SYSTEMS TOOLS FOR USE BY LOCAL JURISDICTIONS. YOU

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1 MAY RECALL THAT THAT'S THE COMPUTER PROGRAM WHERE  
2 DATA -- DEFAULT DATA GETS PLUGGED IN AND EACH  
3 JURISDICTION CAN ANALYZE THEIR WASTESTREAM. THAT'S  
4 BEEN UNDER WAY WITH CONTRACTS WITH UCLA AND DR.  
5 TSANG FOR A NUMBER OF YEARS, AND IT'S NOW COMING TO  
6 THE POINT WHERE IT'S READY TO GO LITERALLY ON-LINE  
7 AND BE AVAILABLE TO ALL LOCAL JURISDICTIONS.

8 THE COMMITTEE ASKED STAFF TO BRING  
9 THIS ITEM TO THE FULL BOARD; HOWEVER, SINCE THE  
10 COMMITTEE MEETING WAS YESTERDAY AND THIS ITEM  
11 DIDN'T GET LISTED ON TODAY'S AGENDA, IT'S GOING TO  
12 BE ON THE AGENDA NEXT MONTH IN NOVEMBER TO INFORM  
13 THE FULL BOARD ON HOW THAT VERY IMPORTANT PROJECT  
14 IS PROGRESSING.

15 COUPLE OF UPDATES. STAFF REPORTED  
16 FROM THE PROJECT RECYCLE PROGRAM THAT FOR THE  
17 QUARTER ENDING JUNE 30TH OVER 8,000 TONS OF  
18 MATERIALS WERE REPORTED COLLECTED FOR RECYCLING  
19 FROM STATE FACILITIES, AND THAT'S -- REPRESENTS A  
20 23-PERCENT INCREASE OVER THE SAME QUARTER FOR THE  
21 PREVIOUS YEAR. SO I'D LIKE TO OFFER HEARTY  
22 CONGRATULATIONS TO ALL THOSE STATE EMPLOYEES WHO  
23 PARTICIPATED IN THAT EFFORT AND HOPE THAT WE CAN

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24 CONTINUE THAT RATE OF INCREASE IN THE DIVERSION  
25 PROGRAMS AT STATE FACILITIES.

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1                   STAFF FROM BUSINESS EDUCATION  
2   REPORTED THAT THEY'RE WORKING CLOSELY WITH LOCAL  
3   GOVERNMENT PARTNERS IN THE BAY AREA TO CONDUCT A  
4   MULTIMEDIA WASTE ASSESSMENT FOR PRINT SHOPS, WHICH  
5   IS A PROGRAM THAT WAS FUNDED BY A U.S. EPA GRANT OF  
6   \$100,000 THAT WE RECEIVED. OUR INTEREST IN THIS  
7   PROJECT IS TWOFOLD. ONE, THAT WE WANT TO INCREASE  
8   THE PROMINENCE OF SOLID WASTE IN THE TRADITIONAL  
9   POLLUTION PREVENTION EFFORTS, THAT THOSE HAVE BEEN  
10  FOCUSED ON OTHER TYPES OF WASTE. AND WE'RE TRYING  
11  TO FOLD THE SOLID WASTE ISSUE -- GENERATION ISSUE  
12  INTO POLLUTION PREVENTION.

13                   SECONDLY, WE WANT TO DEVELOP A MODEL  
14  WHICH PROMOTES RESOURCE EFFICIENCY TO ASSIST THE  
15  PRINTING INDUSTRY STATEWIDE IN WASTE PREVENTION.

16                   FINALLY, I WANT TO REPORT THAT A  
17  PRESS CONFERENCE WAS HELD IN SANTA MONICA THAT PAUL  
18  RELIS AND I WERE ABLE TO ATTEND. THE EVENT, HOSTED  
19  BY TED DANSON AND THE AMERICAN OCEANS CAMPAIGN,  
20  ANNOUNCED THE ROLL-OUT OF A STATEWIDE RADIO AND  
21  TELEVISION PUBLIC SERVICE ANNOUNCEMENT ENCOURAGING  
22  THE PROPER MANAGEMENT OF USED WASTE OIL.

23                   THE AMERICAN OCEANS CAMPAIGN IS

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24 COORDINATING THAT EFFORT THROUGH A USED OIL

25 NONPROFIT GRANT. AND THOUGH -- WE HAVE COPIES OF

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1 THE PSA AVAILABLE FOR ANY OF THE BOARD MEMBERS WHO  
2 HAVEN'T SEEN IT. IT'S A QUITE IMPRESSIVE AND VERY  
3 EFFECTIVE EDUCATIONAL TOOL.

4 I GUESS THE HIGHLIGHT ACTUALLY FOR  
5 PAUL AND I WAS THAT WE GOT A CHANCE TO DRIVE TED  
6 DANSON'S ELECTRIC CAR. WE WERE STANDING THERE  
7 OGLING IT, AND HE SAID, "HEY, YOU WANT TO TAKE A  
8 SPIN?" SO HE HANDED US THE KEYS AND WE EACH TOOK A  
9 TURN DRIVING IT DOWN THE SANTA MONICA FREEWAY, AND  
10 IT WAS ACTUALLY A VERY EXCITING AND MEMORABLE  
11 EXPERIENCE. I'M SURE PAUL --

12 BOARD MEMBER RELIS: WESLEY DROVE FIRST.

13 BOARD MEMBER CHESBRO: BUT ANYWAY, THAT  
14 HAD NOTHING TO DO WITH THE -- I DID ACTUALLY COME  
15 UP WITH A RATIONALE FOR REPORTING ON THIS AT THE  
16 COMMITTEE YESTERDAY. I POINTED OUT THAT ELECTRIC  
17 CARS DON'T USE MOTOR OIL, SO IT'S ACTUALLY A WASTE  
18 PREVENTION TECHNIQUE TO BE USING ELECTRIC  
19 VEHICLES.

20 BOARD MEMBER GOTCH: DID YOU RETURN THE  
21 CAR WITH THE FULL VOLTAGE BATTERY?

22 BOARD MEMBER CHESBRO: NO, WE DIDN'T  
23 RECHARGE IT. I GUESS THAT'S NOT -- WE WOULD HAVE.



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24     THAT'S THE POLITE THING TO DO, BUT WE DIDN'T HAVE

25     EIGHT HOURS TO --

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1                   BOARD MEMBER RELIS: WE WEREN'T SURE  
2 WHETHER HE HAD ENOUGH TO GET BACK HOME.

3                   CHAIRMAN PENNINGTON: HE PROBABLY BROUGHT  
4 IT IN A DIESEL TRUCK.

5                   BOARD MEMBER CHESBRO: I WILL SAY, THOUGH,  
6 THAT THE ACCELERATION AND THE SPEEDS WE WERE ABLE  
7 TO ATTAIN WERE REMARKABLE. I MEAN, CONTRARY TO  
8 LIKE WHAT YOU HEAR ABOUT ELECTRIC CARS, IT MAY HAVE  
9 A SHORT DRIVING RANGE, BUT IT WAS -- IT DEFINITELY  
10 ACCELERATED RAPIDLY AND HANDLED REALLY WELL. THANK  
11 YOU.

12                  CHAIRMAN PENNINGTON: THANK YOU, MR.  
13 CHESBRO. I GUESS IT'S LIKE THOSE ROCKET CARS THAT  
14 ACCELERATE FAST, BUT DON'T GO VERY FAR.

15                   NEXT WE HAVE THE MARKET DEVELOPMENT  
16 COMMITTEE, MR. PAUL RELIS.

17                  BOARD MEMBER RELIS: MR. CHAIR, WE HEARD  
18 TWO ITEMS. FIRST AND ON TODAY'S CONSENT CALENDAR  
19 WAS CONSIDERATION OF THE ANNUAL STATUS REPORT FOR  
20 THE NEWSPRINT CERTIFICATION PROGRAM. ONCE AGAIN,  
21 NEWSPRINT CONSUMERS HAVE ACHIEVED A HIGH LEVEL OF  
22 RECYCLED-CONTENT NEWSPRINT USE. THIS YEAR'S RATE  
23 IS 49.3 PERCENT, JUST UNDER THE 50 PERCENT REQUIRED

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24 BY THE YEAR 2000.

25 WHILE THIS IS A VERY TINY DECREASE

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1 FROM LAST YEAR, IT IS STILL WAY AHEAD OF THE LAW'S  
2 REQUIREMENT. AT THE SAME TIME STAFF INFORMED THE  
3 COMMITTEE THAT ONE COMPANY HAS FAILED TO SUBMIT THE  
4 REQUIRED CERTIFICATION FOR THE LAST THREE YEARS.  
5 THE COMMITTEE RECOMMENDED APPROVAL OF STAFF'S  
6 RECOMMENDATION REGARDING THIS, FIRST, TO NOT  
7 CONDUCT AUDITS OF CONSUMERS AND SUPPLIERS AT THIS  
8 TIME AND, SECOND, TO ADOPT THE PROPOSED PUBLIC  
9 NOTICING AND HEARING PROCEDURES FOR ENFORCEMENT  
10 ACTIONS UNDER THE RECYCLED-CONTENT NEWSPRINT  
11 STATUTES AND TO SCHEDULE HEARINGS TO DETERMINE  
12 WHETHER TO ASSESS CIVIL PENALTIES AGAINST THE  
13 NONCOMPLIANT COMPANY.

14 THE COMMITTEE ALSO DIRECTED STAFF TO  
15 SEND LETTERS TO THE CALIFORNIA NEWSPAPER PUBLISHERS  
16 ASSOCIATION REGARDING ASSISTANCE IN REDUCING  
17 REPORTING NONCOMPLIANCE THAT WE HAD SEEN THIS PAST  
18 YEAR.

19 THE OFFICE OF STATE PRINTING,  
20 REGARDING ITS ANNOUNCED PURCHASE CONTRACT FOR A 100  
21 PERCENT RECYCLED NEWSPRINT AND THE STATUS OF  
22 PURCHASES UNDER THAT CONTRACT, WE WERE GOING TO  
23 ACKNOWLEDGE THE OFFICE OF STATE PRINTING FOR ITS

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24      GREAT IMPROVEMENT IN PURCHASES.

25                      SECOND, THE COMMITTEE ALSO HEARD AN

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1 UPDATE ON IMPLEMENTATION OF THE CONSTRUCTION AND  
2 DEMOLITION DEBRIS MANAGEMENT PLAN. THIS WILL BE  
3 THE SUBJECT OF CONSIDERABLY MORE DISCUSSION AS PART  
4 OF THE STRATEGIC PLAN DISCUSSION NEXT MONTH. THAT  
5 COMPLETES MY REPORT.

6 CHAIRMAN PENNINGTON: THANK YOU, MR.  
7 RELIS. PERMITTING AND ENFORCEMENT, MR. FRAZEE.

8 BOARD MEMBER FRAZEE: YES, MR. CHAIRMAN,  
9 PERMITTING AND ENFORCEMENT COMMITTEE MET ON OCTOBER  
10 16TH WITH TWO MEMBERS. I WAS ABSENT AND WAS  
11 SOMEWHERE OVER UTAH AND NEVADA TRYING TO MAKE IT  
12 HERE ON TIME, BUT THANKS TO A SLOWDOWN BY AIR  
13 TRAFFIC CONTROLLERS, I FAILED TO GET IN BY THE TIME  
14 THE MEETING HAD ADJOURNED.

15 THERE WERE FOUR PERMITS ITEMS HEARD  
16 ALL ON TODAY'S CONSENT CALENDAR. THEY CONSIST OF A  
17 NEW SOLID WASTE FACILITIES PERMIT FOR THE UNIVERSAL  
18 REFUSE REMOVAL, RECYCLING AND TRANSFER STATION IN  
19 SAN DIEGO COUNTY; A REVISED SOLID WASTE FACILITY  
20 PERMIT FOR THE MIDVALLEY LANDFILL IN SAN BERNARDINO  
21 COUNTY; A REVISED SOLID WASTE FACILITY PERMIT FOR  
22 THE CALIFORNIA STREET LANDFILL IN SAN BERNARDINO  
23 COUNTY; AND CONSIDERATION OF A NEW SITE FOR THE

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24 SOLID WASTE DISPOSAL AND CODISPOSAL SITE CLEANUP  
25 PROGRAM.

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1                   ANOTHER ITEM -- DISCUSSION ITEM WAS  
2     HELD, AND THAT WAS THE DISCUSSION OF A DRAFT  
3     REGULATION TO ESTABLISH FILING DATES FOR BOARD  
4     ACTION ON PROPOSED SOLID WASTE FACILITY PERMITS.  
5     THIS ITEM WILL BE BACK TO THE COMMITTEE, EXPECTED  
6     IN JANUARY.   THAT COMPLETES MY REPORT.

7                   CHAIRMAN PENNINGTON:   THANK YOU, MR.  
8     FRAZEE.   NEXT IS THE POLICY, RESEARCH, AND  
9     TECHNICAL ASSISTANCE COMMITTEE, MR. STEVE JONES.

10                  BOARD MEMBER JONES:   THANK YOU, MR.  
11    CHAIRMAN.   THE POLICY COMMITTEE MET ON OCTOBER 7TH  
12    AND HEARD A STAFF PRESENTATION ON THE REORGANIZA-  
13    TION OF THE BOARD'S LEGISLATIVE AND REGULATORY  
14    AFFAIRS OFFICE.   AS PART OF THIS DISCUSSION, WE  
15    LEARNED ABOUT A NEW ADMINISTRATIVE RESPONSIBILITY  
16    THE BOARD WILL HAVE UNDER THE CAL-EPA POLICY AND  
17    THE NEW GOVERNOR'S EXECUTIVE ORDER.

18                  CAL-EPA POLICY WILL REQUIRE COST  
19    ANALYSIS AND PROPOSED REGULATIONS THAT WILL HAVE AN  
20    ANNUAL ECONOMIC IMPACT OF \$10 MILLION OR MORE, AND  
21    THE GOVERNOR'S EXECUTIVE ORDER MANDATES A NEW  
22    ECONOMIC AND FISCAL IMPACT STATEMENT THAT MUST BE  
23    PREPARED BEFORE FINAL NOTICE OF PROPOSED



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24 REGULATIONS.

25 ON TOP OF ALL THIS NEW LEGISLATION,

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1 SB 1320 BY SENATOR SHER REQUIRES CAL-EPA AGENCIES  
2 TO SUBMIT THEIR PROPOSED REGULATIONS TO OUTSIDE  
3 SCIENTIFIC REVIEW, PEER REVIEW. ALL THESE NEW  
4 REQUIREMENTS GOVERNING OUR REGULATORY PROCESS WILL  
5 BE THE SUBJECT OF AN ACTION ITEM TO COME FORWARD IN  
6 DECEMBER FOR THE COMMITTEE AND THE BOARD  
7 CONSIDERATION.

8 ON OCTOBER 9TH WE HELD A PACKAGING  
9 AND DISTRIBUTION WORKSHOP AT SAN JOSE STATE. AND I  
10 WANT TO THANK THE CHAIRMAN FOR BEING THERE AND  
11 OPENING THAT WORKSHOP. PEOPLE IN CAREN TRGOVCICH'S  
12 GROUP DID A GREAT JOB. CAREN AND BILL ORR, TOM  
13 ESTES, KATHY FREEBERG, MARYLOU TAYLOR, AND TERRI  
14 CRONIN AND JACKIE SIFUENTES.

15 THIS WAS AN ALLDAY WORKSHOP THAT WAS  
16 ATTENDED BY ABOUT 90 PEOPLE. AND WHAT THE EMPHASIS  
17 WAS ON THIS WAS AS ONE OF THE 44 STRATEGIES THAT WE  
18 TALKED ABOUT EARLIER IN THE YEAR OF HOW WE WOULD  
19 MINIMIZE WASTE, ONE OF THE ITEMS THAT WAS DISCUSSED  
20 WAS TRANSPORT PACKAGING. AND IN THE TIME THAT --  
21 IN THE MONTHS AFTER THAT, WE DEVELOPED A PROGRAM  
22 WHERE WE INCLUDED STAKEHOLDERS.

23 WE ALSO DECIDED THAT THE ONLY WAY

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24     THAT WE'RE GOING TO SEE AN IMPACT IN THE AMOUNT OF  
25     TRANSPORT PACKAGING OR IN EFFICIENT TRANSPORT

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1     PACKAGING WAS TO MAKE SURE THAT THE MANUFACTURERS  
2     OF THE HARD PRODUCTS THAT HAD TO BUY THE PACKAGING  
3     AND THE RETAILERS OF THE PRODUCTS THAT SOLD THOSE  
4     PRODUCTS LET IT BE KNOWN THAT THERE WERE  
5     ECONOMIC -- THERE WAS AN ECONOMIC VALUE IN  
6     MINIMIZING TRANSPORT PACKAGING WHEN IT PROTECTED  
7     THE PRODUCT THAT WAS BEING DELIVERED.

8                     SO WE DEVELOPED A TEAM OF PEOPLE THAT  
9     INCLUDED NOT ONLY THE MANUFACTURERS OF THE HARD  
10    PRODUCTS, THE RETAILERS, THE TRUCKING INDUSTRY THAT  
11    HAS TO TRANSPORT THOSE PACKAGES BECAUSE YOU GO DOWN  
12    A ROAD AND IF YOU MADE THE PACKAGING TOO FRAGILE BY  
13    MINIMIZING THE AMOUNT OF PRODUCT THAT'S IN IT, YOU  
14    END UP WITH MORE LOSS BECAUSE OF TRANSPORT DAMAGE  
15    WHERE THE WHOLE PRODUCT ENDS UP IN THE GARBAGE, AND  
16    ESPECIALLY THE PERISHABLES. SO WE INCLUDED THE  
17    GARBAGE RECYCLING INDUSTRY. WE INCLUDED EVERYBODY.

18                    AND IT WAS A SERIES OF SUCCESS  
19    STORIES, PEOPLE THAT HAD SAVED MILLIONS OF DOLLARS  
20    DEVELOPING NEW PACKAGING. THERE WAS A PANEL  
21    DISCUSSION WHERE I GOT TO PLAY OPRAH WINFREY AND  
22    KEEP THE DISCUSSION GOING AS THEY TRIED TO DERAIL  
23    IT. AND CAREN GOT TO PLAY MONTEL WILLIAMS AS SHE

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24 DID THE -- SHE HAD ANOTHER PANEL. BUT BY THE END  
25 OF THE DAY, WHEN YOU HAD ALL THE STAKEHOLDERS IN

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1 THE ROOM, IT WAS VERY OBVIOUS THAT EVERYBODY SAW  
2 VALUE IN THIS.

3 AND THE WAY TO EFFECT CHANGE IS TO  
4 SHOW VALUE AS OPPOSED TO A REGULATORY FIX. AND ONE  
5 OF THE EXAMPLES THAT WAS USED WAS THE FIBER BOX  
6 PEOPLE. FOR OUR SCENARIO WE HAD DEVELOPED A  
7 WIDGET, AND THAT WIDGET HAD DIMENSIONS THAT WERE  
8 UNUSUAL IN TRANSPORTING. SO THEY DEVELOPED A BOX  
9 TO PUT THAT WIDGET IN. AND IT WAS DISCOVERED THAT  
10 IF WE WOULD HAVE TURNED THAT BOX ON ITS SIDE AND  
11 BEEN ABLE TO LOAD THAT PIECE OF -- THAT ITEM IN  
12 FROM THE SIDES, WE WOULD HAVE DECREASED THE AMOUNT  
13 OF PACKAGING BY 20 PERCENT.

14 THAT'S A SUBSTANTIAL AMOUNT OF  
15 DECREASE, AND IT WAS A GREAT EXAMPLE TO COME OUT OF  
16 THAT WORKSHOP. AND IT'S THOSE TYPES OF THINGS THAT  
17 WE NEED TO MAKE THE MANUFACTURING COMMUNITY AWARE  
18 OF AND THE RETAILERS AWARE OF, AND WE WILL DO THAT.  
19 THE PROCESS IS NOW A PAPER IS BEING DEVELOPED  
20 INTERNALLY THAT WILL GO TO ALL THE PEOPLE THAT WERE  
21 AT THAT MEETING. THEY CAN COMMENT ON THAT MEETING  
22 AND MAKE SURE THAT WHAT WE HEARD IS WHAT THEY SAID.  
23 AND THEN A PRODUCT WILL GO OUT TO THE DIFFERENT

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24 ASSOCIATIONS IN HOPES THAT THEIR MEMBERSHIP MAY

25 DECIDE THAT THEY NEED TO ASK THEIR PACKAGING

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1     PROFESSIONALS MAYBE ONE OR TWO MORE QUESTIONS OTHER  
2     THAN GIVE ME A BOX THAT THIS WILL FIT IN.

3                     SO I FEEL VERY GOOD. I FEEL THAT I'M  
4     COMPELLED TO THANK STAFF. THIS WAS A LONG  
5     PROCESS. THERE WERE A LOT OF DIFFERENT STAKE-  
6     HOLDERS INVOLVED. THEY DID AN EXCEPTIONAL JOB.  
7     AND WITH THE EXCEPTION OF DRIVING ME NUTS ABOUT 20  
8     PERCENT OF TIME, THEY -- I REALLY ENJOYED THE  
9     PROCESS AND I WANT TO THANK THEM. THEY DID A GOOD  
10    JOB. THANK YOU, MR. CHAIRMAN.

11                    CHAIRMAN PENNINGTON: OKAY, MR. JONES. I  
12    JUST WANT TO COMMENT THAT I WAS THERE AND SPENT  
13    MOST OF THE DAY THERE, AND IT WAS AN EXCELLENT  
14    WORKSHOP. AND I THINK NOT ONLY DID INDUSTRY LEARN  
15    FROM IT, BUT THE STAFF LEARNED FROM IT, AND IT WAS  
16    WELL -- PROFESSIONALLY PUT ON, AND IT WAS AN  
17    EXCELLENT EXAMPLE OF THE BOARD AT ITS BEST.

18                    THE ADMINISTRATION COMMITTEE REPORT  
19    IS NEXT. I CHAIR THE ADMINISTRATION COMMITTEE.  
20    THE ADMINISTRATION COMMITTEE MET ON OCTOBER 7TH AND  
21    HEARD TWO ITEMS. THE FIRST ITEM WE HEARD WAS THE  
22    CONSIDERATION OF A MEMORANDUM OF UNDERSTANDING  
23    BETWEEN THE BOARD AND THE USDA RURAL DEVELOPMENT TO



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24     WORK IN COOPERATION IN RURAL AREAS OF CALIFORNIA ON  
25     ECONOMIC AND RECYCLING ACTIVITIES.    THIS ITEM IS ON

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1 THE CONSENT CALENDAR.

2 THE SECOND ITEM HEARD AT THE  
3 ADMINISTRATION COMMITTEE WAS THE CONSIDERATION OF A  
4 CONTRACT AWARDS FOR LOAN CLOSING AND SPECIALIZED  
5 FINANCIAL ASSISTANCE IN SUPPORT OF THE RECYCLED  
6 MARKET DEVELOPMENT REVOLVING LOAN PROGRAM.

7 AS THE BID DOCUMENTS HAD NOT BEEN  
8 OPENED BY THE TIME OF THE ADMINISTRATION COMMITTEE,  
9 THIS ITEM WAS FORWARDED TO THE BOARD WITHOUT  
10 RECOMMENDATION.

11 NOW WE'LL HEAR A REPORT FROM THE  
12 EXECUTIVE DIRECTOR, MR. CHANDLER.

13 MR. CHANDLER: THANK YOU, MR. CHAIRMAN.  
14 GOOD MORNING, MEMBERS. IT'S NICE TO BE BACK AFTER  
15 A COUPLE OF WEEKS OFF OF TRYING TO GET A LITTLE BIT  
16 OF R AND R IN. WHILE I'VE BEEN OUT, I NOTICE THE  
17 GOVERNOR, HOWEVER, HAS BEEN VERY BUSY, AS HE HAD  
18 UNTIL OCTOBER 13TH TO SIGN HUNDREDS OF BILLS THAT  
19 WERE BEFORE HIM TO EITHER SIGN OR VETO. AND MY  
20 FIRST ITEM THIS MORNING IS TO JUST GIVE YOU A BRIEF  
21 STATUS REPORT ON A NUMBER OF THOSE BILLS THAT  
22 AFFECTED OUR AGENCY.

23 THE FOLLOWING WERE ACTUALLY SIGNED

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24 INTO LAW: AB 847 BY ASSEMBLYMAN WAYNE. IT

25 PROVIDES THAT A HAZARDOUS WASTE GENERATOR IS ANY

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1 PERSON WHO REMOVES FROM A MAJOR APPLIANCE ANY  
2 MATERIAL THAT REQUIRES SPECIAL HANDLING, IT IS A  
3 HAZARD WASTE.

4 SB 675 BY SENATOR COSTA EXTENDS UNTIL  
5 FOUR YEARS FROM THE EFFECTIVE DATE OF THIS BILL  
6 CURRENT STATUTE PROVISIONS THAT DELEGATE PRIMARY  
7 REGULATORY RESPONSIBILITY FOR COMPOST FACILITY  
8 ODORS TO THE LOCAL ENFORCEMENT AGENCIES.

9 SB 1066 BY SENATOR SHER AUTHORIZES  
10 THE BOARD TO GRANT SINGLE OR MULTI-YEAR EXTENSIONS  
11 TO ACHIEVE THE GOALS OF THE INTEGRATED WASTE  
12 MANAGEMENT ACT. ADDITIONALLY, THE BILL REQUIRES  
13 THE MARKET DEVELOPMENT PLAN TO INCLUDE EFFORTS TO  
14 ENCOURAGE AND PROMOTE COOPERATIVE REGIONAL PROGRAMS  
15 TO EXPAND MARKETS FOR RECYCLABLE MATERIALS AND TO  
16 INCLUDE ACTIVITIES TO ADDRESS PROBLEMS AND  
17 OPPORTUNITIES THAT ARE UNIQUE TO RURAL, URBAN, AND  
18 SUBURBAN AREAS OF THE STATE.

19 FINALLY, AB 1330 BY SENATOR LOCKYER  
20 REQUIRES THE BOARD TO CREATE A PROGRAM OF GRANTS TO  
21 CITIES AND COUNTIES TO COVER THE COST OF CLEANING  
22 UP SOLID WASTE ILLEGALLY DISPOSED ON FARM OR RANCH  
23 PROPERTY. AS YOU KNOW, THIS WILL REQUIRE TRANSFERS

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24 FROM THE USED OIL AND TIRE CLEANUP PROGRAMS.

25 THE FOLLOWING BILLS WERE VETOED:

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1 AB 84 BY ASSEMBLYMAN WOODS WOULD HAVE REQUIRED  
2 STATE AGENCIES TO GIVE A PRICE PREFERENCE NOT TO  
3 EXCEED 10 PERCENT TO PRODUCTS MANUFACTURED WITH  
4 RICE STRAW.

5 AB 705, ASSEMBLYWOMAN STROM-MARTIN,  
6 WOULD HAVE REQUIRED, UPON THE REQUEST OF A LOCAL  
7 AGENCY, THAT ANY STATE AGENCY DECLARE TO WHAT  
8 EXTENT IT INTENDS TO UTILIZE PROGRAMS OR FACILITIES  
9 ESTABLISHED BY THE LOCAL AGENCY FOR THE HANDLING,  
10 DIVERSION, AND DISPOSAL OF SOLID WASTE.

11 AND FINALLY, AB 1055, ASSEMBLYMAN  
12 VILLAGAIROSA, WOULD HAVE PROVIDED GRANTS TO LOCAL  
13 AGENCIES TO UPGRADE AND IMPROVE LOCAL PLAYGROUNDS  
14 THROUGH THE USE OF RECYCLED MATERIALS.

15 EXCUSE ME. I SEE I HAVE A COUPLE  
16 MORE THAT I FAILED TO MENTION.

17 SB 1113 BY SENATOR SOLIS WOULD HAVE  
18 REQUIRED THE OFFICE OF PLANNING AND RESEARCH BY  
19 JANUARY 1ST OF THE YEAR 2000 TO RECOMMEND CHANGES  
20 TO THE CEQA GUIDELINES TO PROVIDE FOR THE  
21 IDENTIFICATION AND MITIGATION BY PUBLIC AGENCIES OF  
22 DISPROPORTIONATELY HIGH AND ADVERSE ENVIRONMENT  
23 EFFECTS OF PROJECTS ON MINORITY POPULATIONS AND LOW

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24 INCOME POPULATIONS. THE BILL WOULD HAVE REQUIRED  
25 THE SECRETARY OF RESOURCES AGENCY TO CERTIFY AND

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1       ADOPT THOSE RECOMMENDED CHANGES BY JANUARY 1ST.

2                       THAT BILL WAS VETOED AS WAS SB 1179

3       BY SENATOR POLANCO WOULD HAVE RESTRICTED THE

4       ABILITY OF LOCAL GOVERNMENTS TO IMPOSE MONETARY

5       PENALTIES ON SOLID WASTE ENTERPRISES FOR THE

6       ENTERPRISE'S FAILURE TO MEET SOLID WASTE DIVERSION

7       MANDATES SPECIFIED IN THE INTEGRATED WASTE

8       MANAGEMENT ACT.

9                       NEXT I WANT TO INFORM YOU THAT WE

10       RECENTLY RECEIVED A REPORT FROM CAL-EPA ON THE

11       CUSTOMER SERVICE SURVEYS DURING FISCAL YEAR 6-7.

12       AND I THOUGHT I'D PASS ALONG THE RESULTS. A TOTAL

13       OF NEARLY 500 SURVEYS WERE RETURNED TO THE AGENCY,

14       AND OF THOSE 98 PERCENT REPORTED POSITIVE RESULTS

15       IN DEALING WITH BOARD STAFF. AND I'D LIKE TO THANK

16       THE STAFF THROUGHOUT THE ORGANIZATION WHO ARE

17       RESPONSIBLE FOR DEALING WITH THE PUBLIC IN SUCH AN

18       EFFICIENT MANNER.

19                       BECAUSE DEVELOPING AND IMPLEMENTING

20       FEEDBACK MECHANISMS IS AN IMPORTANT PART OF OUR

21       STRATEGIC PLAN, WE'LL BE BUILDING ON THIS EXISTING

22       MECHANISM IN THE MONTHS TO COME, BUT IT'S GOOD TO

23       KNOW WE'RE STARTING FROM A STRONG POSITION.



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24 FOR MY NEXT ITEM, I'D LIKE TO TOUCH

25 ON, I THINK, AN ITEM THAT MR. CHESBRO BRIEFLY SPOKE

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1 TO, AND I CAN ELABORATE A LITTLE BIT MORE, AND  
2 THAT'S THE PROGRESS THE BOARD CONTINUES TO MAKE IN  
3 CONSIDERING SOURCE REDUCTION AND RECYCLING ELEMENTS  
4 AND THE NONDISPOSAL FACILITY ELEMENTS FOR EACH OF  
5 THE 533 JURISDICTIONS AS A RESULT OF THE BOARD  
6 ADOPTED STEPWISE COMPLIANCE PROCESSES.

7 THE BOARD HAS THE AUTHORITY TO IMPOSE  
8 FINES ON JURISDICTIONS THAT DO NOT HAVE ADEQUATE  
9 PLANS. OVER THE PAST YEAR, BECAUSE OF FOCUSED  
10 STAFF EFFORTS, WE'VE GONE FROM ABOUT 80  
11 JURISDICTIONS THAT HAVE NOT SUBMITTED THEIR SRRE'S  
12 OR THEIR NDFE'S TO JUST TEN JURISDICTIONS THAT HAVE  
13 NOT MET BOARD APPROVED COMPLIANCE SCHEDULES. THAT'S  
14 A 98-PERCENT COMPLIANCE RATE.

15 SEVERAL OF THE JURISDICTIONS THAT  
16 HAVE SUBMITTED THEIR PLANS INDICATE -- EXCUSE ME --  
17 THAT HAVE NOT SUBMITTED THEIR PLANS INDICATE THEY  
18 WILL HAVE DOCUMENTS SUBMITTED BY MID-NOVEMBER.  
19 STAFF KNOWS OF NO OTHER PROGRAM IN THE STATE IN  
20 WHICH THE APPROVAL LEVEL IS AS HIGH WITH THIS  
21 COMPLIANCE RATE.

22 IF THE ELEMENTS FROM THESE REMAINING  
23 JURISDICTIONS ARE NOT SUBMITTED BY LATE NOVEMBER,

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24 STAFF WILL TAKE NEXT STEPS IN THE COMPLIANCE

25 PROCESS TO PREPARE A PLAN ADEQUACY HEARING NOTICE

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1 FOR THE JANUARY BOARD MEETING.

2 FINALLY, I'M PLEASED TO ANNOUNCE THAT  
3 KAREN FISH BEGAN WORK ON MONDAY AS OUR NEW DIRECTOR  
4 FOR THE ADMINISTRATION AND FINANCE DIVISION. KAREN  
5 HAS 17 YEARS OF STATE SERVICE TO HER CREDIT,  
6 INCLUDING EXTENSIVE ADMINISTRATIVE EXPERIENCE IN  
7 THE TECHNICAL AND MANAGERIAL LEVELS WITH A STRONG  
8 BACKGROUND IN THE STATE'S FISCAL PROCESSES. FOR  
9 THE PAST SEVEN YEARS, KAREN HAS SERVED AS CHIEF OF  
10 THE ADMINISTRATIVE SERVICES FOR THE TRADE AND  
11 COMMERCE AGENCY. KAREN LIVES IN LINCOLN WITH HER  
12 HUSBAND BOB AND TWO CHILDREN, AND I WANT TO WELCOME  
13 HER TO THE BOARD. AND THAT CONCLUDES MY REPORT.

14 CHAIRMAN PENNINGTON: THANK YOU, MR.  
15 CHANDLER. WELCOME, MS. FISH.

16 OKAY. CONSIDERATION OF THE CONSENT  
17 CALENDAR ITEMS. THE CONSENT CALENDAR INCLUDES  
18 ITEMS 5, 7 THROUGH 32, 35 THROUGH 37, 40, 41, 43,  
19 AND 44.

20 ARE THERE ANY MEMBERS WHO WISH TO  
21 PULL ANYTHING OFF THE CONSENT CALENDAR?

22 BOARD MEMBER GOTCH: NO. MR. CHAIRMAN,  
23 MAY I MAKE A COMMENT FIRST THOUGH.

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24 CHAIRMAN PENNINGTON: CERTAINLY.

25 BOARD MEMBER GOTCH: BEFORE WE TAKE UP THE

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1 VOTE, I'D LIKE TO THANK FITZ FITZGERALD OF MR.  
2 RELIS' STAFF, JOHN SMITH, CALVIN YOUNG, AND BOB  
3 CAPUTI, AND THE OTHER MEMBERS OF THE MARKETS AREA  
4 FOR THEIR DILIGENCE IN PURSUING THE MOU WITH THE  
5 USDA, WHICH IS ITEM 5 ON THE CONSENT CALENDAR  
6 TODAY. THIS WAS A PARTNERSHIP IDEA CONTEMPLATED IN  
7 MY OFFICE AND HAS NOW EVOLVED INTO WHAT I  
8 ANTICIPATE TO BECOME A PROSPEROUS PARTNERSHIP. AND  
9 SO I'D LIKE TO THANK YOU ALL.

10 AND WITH THAT, I WILL, IF YOU ARE  
11 READY FOR A MOTION, MOVE ADOPTION OF THE CONSENT  
12 CALENDAR.

13 BOARD MEMBER JONES: SECOND.

14 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN  
15 MOVED AND SECONDED. WILL THE SECRETARY CALL THE  
16 ROLL, PLEASE.

17 THE SECRETARY: BOARD MEMBER CHESBRO.

18 BOARD MEMBER CHESBRO: AYE.

19 THE SECRETARY: FRAZEE.

20 BOARD MEMBER FRAZEE: AYE.

21 THE SECRETARY: GOTCH.

22 BOARD MEMBER GOTCH: AYE.

23 THE SECRETARY: JONES.

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24 BOARD MEMBER JONES: AYE.

25 THE SECRETARY: RELIS.

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1 BOARD MEMBER RELIS: AYE.

2 THE SECRETARY: CHAIRMAN PENNINGTON.

3 CHAIRMAN PENNINGTON: AYE. CONSENT  
4 CALENDAR IS APPROVED.

5 AND NOW WE'LL MOVE TO ITEM 4, SECOND  
6 CHANCE WEEK PRESENTATION BY ISADOR COHEN STUDENTS.  
7 PHIL MORALES.

8 BOARD MEMBER GOTCH: MR. CHAIR, IF I MAY  
9 INTRODUCE PHIL MORALES. SECOND CHANCE WEEK IS A  
10 PROGRAM THAT WAS ESTABLISHED BY GRANT FUNDS WITH  
11 THE LOCAL GOVERNMENT COMMISSION TO COORDINATE A  
12 STATEWIDE PROGRAM FOR REUSE AND RECYCLING OF  
13 DISCARDED MATERIALS. ITS INTENT IS TO ENCOURAGE  
14 LOCAL GOVERNMENTS, SCHOOLS, AND PRIVATE INDUSTRIES  
15 TO HAVE ACTIVITIES IN RECOGNITION OF SECOND CHANCE  
16 WEEK.

17 ISADOR COHEN ELEMENTARY SCHOOL HAD  
18 OVER 900 STUDENTS PARTICIPATE, AND HERE TO MAKE THE  
19 PRESENTATION FOR THEM IS PHIL MORALES, WHO IS THE  
20 BRANCH MANAGER OF THE PUBLIC EDUCATION AND PROGRAM  
21 IMPLEMENTATION DIVISION.

22 MR. MORALES: THANK YOU, BOARD MEMBER  
23 GOTCH, CHAIRMAN PENNINGTON. JUST A BRIEF HISTORY



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24 ON THE ADOPT-A-SCHOOL PROGRAM AND HOW IT FITS IN  
25 WITH SECOND CHANCE. YOU MIGHT RECALL BACK IN JUNE

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1     OF 1996, THE BOARD APPROVED AND AGREED THAT STAFF  
2     COULD GO AHEAD AND ADOPT A SCHOOL AS PART OF THE  
3     GOVERNOR'S PROGRAM FOR STATE EMPLOYEES TO GET  
4     INVOLVED IN THEIR LOCAL COMMUNITY AND WHERE THEY  
5     WORKED.

6                     AND, OF COURSE, WITH ISADOR COHEN  
7     SCHOOL BEING RIGHT ACROSS THE FREEWAY AND A NICE  
8     WALK OVER, STAFF HAD DECIDED THAT WAS A GOOD  
9     OPPORTUNITY FOR US TO PARTICIPATE IN THAT PROGRAM.  
10    AND LAST YEAR ALONE WE HAD OVER 26 STAFF MEMBERS  
11    WHO PROVIDED TUTORING SERVICES TO OVER 31 STUDENTS  
12    AND VOLUNTEERED THEIR OWN TIME -- AND THAT'S  
13    IMPORTANT TO NOTE, THAT IT WAS THEIR OWN TIME --  
14    OVER 486 HOURS IN TUTORING STUDENTS WHO WERE AT  
15    RISK AND JUST HAD NEED OF BEING TUTORED.

16                    ALSO, IN ADDITION TO THAT, IMB STAFF  
17    PROVIDED THEIR SERVICES IN HELPING THEM WITH THEIR  
18    COMPUTER SYSTEMS AND THE MYRIAD OF PROBLEMS THAT WE  
19    KNOW COMPUTERS CAN PROVIDE, AND ESPECIALLY FOR  
20    STUDENTS. SO AGAIN, THANK YOU TO THE IMB STAFF IN  
21    THAT AREA.

22                    AND WE CONTINUE TO PROVIDE ADDITIONAL  
23    HELP BY SUCH THINGS AS SEAY'S CANDY SALES,

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24      COLLECTION OF RECEIPTS FROM THE GROCERY MARKET,

25      WHICH WE, BY THE WAY, COLLECTED OVER \$15,000 WORTH

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1 OF RECEIPTS LAST YEAR ALONE FOR ISADOR COHEN  
2 SCHOOL. AND, OF COURSE, THINGS LIKE CAMPBELL SOUP  
3 LABELS AND KELLOGG'S CEREAL BOX LABELS AND SO ON,  
4 ALL OF IT TO ASSIST THEM IN THEIR FINANCIAL NEEDS.

5 THIS SUMMER ALONE THE BOARD STAFF, AS  
6 PART OF SECOND CHANCE WEEK AND LOOKING FORWARD TO  
7 THAT PROGRAM, ALSO PROVIDED A SERVICE OF FIXING  
8 TEXTBOOKS. AS YOU KNOW, MANY SCHOOLS DO NOT HAVE  
9 LIBRARIANS TODAY. MAYBE WHEN YOU GREW UP AND I  
10 KNOW WHEN I DID, THERE WAS ALWAYS A LIBRARY AND A  
11 LIBRARIAN. SCHOOLS DON'T HAVE THAT LUXURY ANYMORE  
12 IN MANY AREAS, UNFORTUNATE AS IT MAY BE. AND THERE  
13 WERE A NUMBER OF BOOKS THAT WERE GOING TO BE TOSSED  
14 AWAY BECAUSE THERE WAS NO LIBRARIAN TO REPAIR THEM.

15 STAFF SPENT THEIR LUNCH HOURS, I KNOW  
16 I SAW MANY MANAGERS AND PROGRAM STAFF WORKING  
17 DILIGENTLY WITH THEIR SACK LUNCH REPAIRING BOOKS.  
18 AND ACCUMULATION OF THAT, OVER SIX LARGE BOXES OF  
19 USED BOOKS WERE NOW MADE USABLE AND RETURNED BACK  
20 TO THE SCHOOL FOR USE IN THE CLASSROOM.

21 AND LAST, YES, THIS WEEK YOU MAY HAVE  
22 SEEN USED BOOKS SALES. THE SALES THAT WE DO FOR  
23 THAT SCHOOL AND FOR THE PROGRAM ARE DESIGNED TO

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24 PROVIDE FOR TAPE, MATERIALS THAT ARE NEEDED IN  
25 ORDER TO CONTINUE THOSE KIND OF EFFORTS.

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1 JUST TO GIVE YOU AN IDEA OF HOW THAT  
2 ALL FIT IN, WHEN THE BOARD ADOPTED SECOND CHANCE  
3 WEEK AS A PROGRAM WE WANTED TO SUPPORT, STAFF  
4 THOUGHT IT WAS A PERFECT OPPORTUNITY TO AGAIN  
5 DEVELOP A PARTNERSHIP BETWEEN THE SCHOOL, THE  
6 BOARD, ITS STAFF, AND THE COMMUNITY. AND IN  
7 TALKING WITH THE ADMINISTRATION THERE CAME UP WITH  
8 SOME VARIETY OF ACTIVITIES THE STUDENTS WERE GOING  
9 TO PARTICIPATE IN.

10 WE WERE FORTUNATE THAT WE HAVE A  
11 STAFF THAT COMMITS OF THEIR TIME AND EFFORTS, BUT  
12 ALSO REAL FORTUNATE THAT WE HAVE A SCHOOL  
13 ADMINISTRATION, A LOCAL SCHOOL ADMINISTRATOR, WHO  
14 ALSO COMMIT OF HIS STAFF AND TIME IN THIS PROGRAM.

15 AND I WOULD LIKE TO AT THIS POINT  
16 INTRODUCE ARTURO BARRERA, WHO'S THE PRINCIPAL OF  
17 ISADOR COHEN SCHOOL, WHO ACTUALLY JUST BEGAN LAST  
18 YEAR HIS TENURE THERE, SO HE'S NEW TO THE PROCESS  
19 OF MANAGING A SCHOOL, BUT AT THE SAME TIME VERY  
20 SUPPORTIVE OF WHAT WE DO WITH THEM. AND HE'S ALSO  
21 A DIRECTOR OF THE FAMILY OF WATER ALLIANCE, SO HE  
22 PROVIDES A LOT OF KNOWLEDGE AND A LOT OF BACKGROUND  
23 AND COMMITMENT TO THE AREAS THAT WE ARE CONCERNED

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24 ABOUT AS WELL.

25 AT THIS TIME I'D LIKE TO ASK MR.

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1 BARRERA TO COME ON UP, AND HE CAN INTRODUCE THE  
2 STUDENTS AND THE PRESENTATIONS THEY WILL MAKE. MR.  
3 BARRERA.

4 MR. BARRERA: GOOD MORNING, MR. CHAIR,  
5 HONORABLE BOARD, SEEMS LIKE I GOT A PROMOTION THIS  
6 MORNING TO DIRECTOR OF FAMILY WATER ALLIANCE. I  
7 HAVE BEEN A BOARD MEMBER.

8 I WANT TO TAKE A MOMENT JUST TO THANK  
9 YOU FOR HAVING US HERE. AND I WAS PREPARED TO GIVE  
10 YOU AN OVERVIEW OF THE TYPES OF VOLUNTEER WORK THAT  
11 YOUR STAFF HAS BEEN DOING, BUT MR. MORALES DID AN  
12 EXCELLENT JOB OF COVERING ALL THAT. BUT I WOULD  
13 LIKE TO MENTION DON PERRY'S NAME. DON PERRY HAS  
14 BEEN VERY INSTRUMENTAL IN FACILITATING THE  
15 VOLUNTEER TUTORS THAT HAVE BEEN COMING OVER SINCE  
16 LAST YEAR. AND I WANT TO MENTION BECKY WILLIAMS  
17 TODAY BECAUSE BECKY PUT IN A LOT OF WORK FOR OUR  
18 SECOND CHANCE WEEK THAT WE JUST CULMINATED  
19 YESTERDAY WITH AN ART ACTIVITIES DAY.

20 ALL LAST WEEK THE STUDENTS WERE  
21 ACTIVELY INVOLVED IN COLLECTING VARIOUS RECYCLABLE  
22 GOODS AND BRINGING THEM TO THEIR SCHOOLS. AND  
23 YESTERDAY WE TOOK THOSE ITEMS AND PUT THEM TO GOOD



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24 USE. THERE WAS ALL SORTS OF PROJECTS THAT WERE

25 BEING MADE. I SAW SOME VERY INTERESTING HATS THAT

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1 STUDENTS WERE MAKING, BINOCULARS, FRISBEES, ALL  
2 SORTS OF THINGS. THEY WERE BEING VERY CREATIVE.  
3 THE KIDS HAD A WONDERFUL TIME.

4 I HAD ONE LITTLE GIRL COME UP TO ME  
5 YESTERDAY AS THE DAY WAS ENDING, AND SHE PRESENTED  
6 ME WITH HER LITTLE PLAQUE THAT SHE MADE FOR MY  
7 OFFICE. AND AS YOU CAN SEE, IT IS VERY COLOR  
8 COORDINATED AND COLORFUL AND PRETTY; AND IF YOU  
9 COME TO MY OFFICE, YOU WILL SEE IT ON MY WALL.

10 IN ADDITION TO THAT, MANY OF THE  
11 STUDENTS IN OUR CLASSROOMS CREATED ESSAYS OR  
12 POSTERS, AND THAT'S WHAT THEY WANT TO SHARE WITH  
13 YOU THIS MORNING. ONE THING THAT I'D LIKE TO ADD  
14 ABOUT YESTERDAY'S ACTIVITIES IS NOT ONLY DID THE  
15 CHILDREN HAVE A LOT OF FUN PARTICIPATING, AS WELL  
16 AS THE ADULTS, BUT THE WHOLE EVENT WAS VERY THOUGHT  
17 PROVOKING. I THINK IT MADE THE CHILDREN THINK  
18 ABOUT WHAT THE WEEK SIGNIFIED, THE IMPORTANCE OF  
19 RECYCLING AND REUSING THINGS. AND AS YOU KNOW VERY  
20 WELL, THAT IF WE'RE LOOKING AT CHANGING HOW SOCIETY  
21 THINKS, IT IS THROUGH EDUCATION, AND I THINK THAT  
22 WE'RE ON THE RIGHT ROAD TO THAT.

23 I WOULD LIKE TO INTRODUCE ONE OF OUR

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24 FIRST STUDENTS, AND THIS INDIVIDUAL HAS AN ESSAY  
25 THAT SHE WOULD LIKE TO READ TO YOU. AND THIS IS

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1       CHELSEA MCDANIEL.   CHELSEA.

2                       MS. MCDANIEL:   I WROTE ABOUT RECYCLING,  
3       HOW PEOPLE SHOULD RECYCLE.   I THINK MORE PEOPLE  
4       SHOULD RECYCLE INSTEAD OF THROWING THINGS AWAY THAT  
5       COULD BE RECYCLED.   THEN THE LANDFILLS WOULD NOT  
6       OVERFLOW.   LANDFILLS POLLUTE OUR DRINKING WATER.

7                       NOW PEOPLE ARE FINDING NEW WAYS TO  
8       STOP POLLUTION.   WE SHOULD RECYCLE ALUMINUM CANS,  
9       PLASTIC, AND NEWSPAPERS ON A REGULAR BASIS.   THIS  
10      WILL HELP TO SAVE OUR ENVIRONMENT.   WE WILL BE  
11      SAVING OUR NATURAL RESOURCES SUCH AS TREES, WHICH  
12      ARE USED FOR NEWSPAPERS AND MAGAZINES.

13                      IF PEOPLE KEEP POLLUTING OUR EARTH,  
14      MORE PEOPLE MIGHT GET LUNG CANCER FROM POLLUTING  
15      THE AIR WE BREATHE.   IF WE KEEP FILLING THE  
16      LANDFILLS WITH THINGS THAT ARE NOT BIODEGRADABLE,  
17      THERE WILL NOT BE ENOUGH LAND FOR HOUSES AND OTHER  
18      BUILDINGS.

19                      LANDFILLS ARE PLACES WHERE THERE IS A  
20      DEEP HOLE IN THE GROUND AND GARBAGE IS DUMPED IN  
21      THERE.   THEY PUT A LAYER OF DIRT ON THE GARBAGE AND  
22      THEN THEY PUT SOME MORE GARBAGE AND PUT ANOTHER  
23      LAYER OF DIRT ON IT.   THIS IS REPEATED SEVERAL

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24 TIMES. HOPEFULLY THE GARBAGE WILL BIODEGRADE, BUT  
25 SOME OF IT WILL JUST SIT THERE FOR MORE THAN 30

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1 YEARS AND NOT BIODEGRADE. SOME GARBAGE MIGHT BE ON  
2 TOP WHERE THE BIRDS CAN BE HURT BY THINGS LIKE SIX  
3 PACK RINGS OR PLASTIC BAGS. IF THE GARBAGE DOES  
4 NOT BIODEGRADE, THEN THAT LANDFILL CANNOT BE USED  
5 AGAIN, AND THEY HAVE TO DIG MORE AND MORE HOLES FOR  
6 NEW LANDFILLS.

7 I HOPE WHEN I GROW UP THERE WON'T BE  
8 AS MANY LANDFILLS BECAUSE PEOPLE WILL FIND MORE AND  
9 MORE WAYS TO RECYCLE FASTER SO THEY WON'T NEED AS  
10 MANY LANDFILLS.

11 (APPLAUSE.)

12 MR. BARRERA: WERE YOU ABLE TO HEAR HER  
13 OKAY? AM I HOLDING THIS CLOSE ENOUGH?

14 OUT NEXT PRESENTER IS DANIELLE FOGG,  
15 AND SHE HAS A POSTER THAT SHE WANTS TO SHARE WITH  
16 YOU.

17 MS. FOGG: THIS IS MY POSTER THAT I MADE  
18 FOR SECOND CHANCE WEEK. IT'S ABOUT A RECYCLING  
19 WORLD AND A DYING WORLD. WHAT WE DID WAS WE CUT  
20 THINGS OUT OF NEWSPAPER AND EXTRA LEFTOVERS FROM  
21 THE STATE FAIR, AND WE STARTED OUT BY USING THINGS  
22 TO TELL US WHERE TO GO AND SOME OTHER THINGS. AND  
23 EVERY DAY AFTER SCHOOL, ME AND SOME OF MY FRIENDS,

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24 WE TAKE BAGS THAT WE KEEP BRINGING HOME -- BRINGING  
25 TO SCHOOL, AND THEN WE PICK UP TRASH ALL AROUND THE

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1 SCHOOL. THANK YOU FOR HAVING US HERE.

2 (APPLAUSE.)

3 MR. BARRERA: OUR NEXT STUDENT HAS A  
4 SPEECH, AND IT IS SARAH CHAMANARA.

5 MS. CHAMANARA: OKAY. I DID AN ESSAY AND  
6 IT'S CALLED "RECYCLE." RECYCLE, REDUCE, REUSE,  
7 THESE ARE THE THREE THINGS WE HAVE TO DO. WE HAVE  
8 TO MAKE THE WORLD MORE BEAUTIFUL. IF WE RECYCLE,  
9 WE WILL HAVE MORE PLACES TO GO AND HAVE MORE FUN.  
10 IF WE DON'T RECYCLE, WE WILL HAVE LESS ROOM TO GO  
11 AND LESS ROOM TO PLAY. IT WILL EVEN STINK IF WE  
12 DON'T RECYCLE.

13 IF THERE WAS TOO MUCH GARBAGE, WE  
14 EVEN -- WE MIGHT EVEN GET A HALF MOUNTAIN FULL OF  
15 IT. DO YOU KNOW THAT WE EVEN THROW AWAY THE STUFF  
16 THAT WE CAN RECYCLE? WE THROW AWAY CANS, PLASTIC,  
17 PAPER, NEWSPAPER, AND SOMETIMES GLASS. THAT IS BAD  
18 TO HAVE GLASS IN THE TRASH. THE GLASS WOULD HURT  
19 THE PEOPLE AT THE BEACH WHEN YOU ARE BAREFOOT.

20 I KNOW IT IS GOOD FOR THE SOIL, BUT  
21 MAKE YOUR OWN SOIL AND MAKE THE WORLD MORE  
22 BEAUTIFUL. DON'T POLLUTE; RECYCLE.

23 (APPLAUSE.)



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24 MR. BARRERA: THANK YOU, SARAH. MONIQUE

25 TINSLEY HAS A POSTER TO SHARE.

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1                   MS. TINSLEY: HI. MY NAME IS MONIQUE  
2 TINSLEY, AND I WOULD LIKE TO TELL YOU ABOUT MY  
3 POSTER. I WROTE ALWAYS REMEMBER TO USE THE THREE  
4 BIG R'S, AND YOU CAN HELP THE WORLD BECAUSE IF YOU  
5 USE THE THREE BIG R'S, THEN YOU CAN HELP THE WORLD  
6 AND MAKE IT A BETTER PLACE TO LIVE ON AND YOU CAN  
7 LIVE ON AND ON FOR LONGER THAN YOU CAN IMAGINE.  
8 THANK YOU.

9                   (APPLAUSE.)

10                  MR. BARRERA: I HAVE TWO STUDENTS, JENNA  
11 CHANDLER AND CHRISTINA DANG, WHO HAVE A RECYCLED  
12 TOY. LADIES.

13                  MS. CHANDLER: OUR TITLE IS THE "RECYCLE  
14 HORSE." AND MATERIALS YOU NEED TO MAKE IT ARE AN  
15 EMPTY CAN, FOUR POPSICLE STICKS, TIN FOIL, OLD DOLL  
16 HAIR, A BLUE PEN, OLD CARDBOARD, AND THE PLASTIC  
17 BAG IS OPTIONAL.

18                  AND YOU GLUE THE TIN FOIL TO THE CAN,  
19 YOU MOLD THE TIN FOIL INTO A HEAD, YOU MAKE THE  
20 MANE AND TAIL OUT OF HAY OR OLD DOLL HAIR, AND CUT  
21 THE EARS OUT OF OLD CARDBOARD. AND YOU CAN EITHER  
22 USE, LIKE I USED LITTLE EYES THAT MY MOM USED FOR A  
23 DOLL, AND-OR YOU CAN JUST DRAW THEM. AND THE PART

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24     THAT'S OPTIONAL IS YOU CAN CUT OUT SPOTS AND GLUE  
25     THEM TO YOUR HORSE.

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1                   MS. DANG: HE BASICALLY IS A TOY. WE TOOK  
2 AN OLD CAN AS HIS BODY. HIS LEGS ARE POPSICLE  
3 STICKS. WE HOPE YOU LIKE HIM. HIS NAME IS PEPSI  
4 BECAUSE HE'S MADE OUT OF A PEPSI CAN. IT TOOK US  
5 ABOUT THREE HOURS TO CONSTRUCT, SO IT IS FUN FOR  
6 EVERYONE.

7                   DURING THE PROJECT, WE REALIZED WE  
8 RECYCLED A LOT. HE IS A RECYCLED TOY OF THE  
9 FUTURE.

10                   (APPLAUSE.)

11                  MR. BARRERA: DARREN ARMIOTO HAS A POSTER  
12 THAT HE WOULD LIKE TO SHOW YOU ABOUT.

13                  MASTER ARMIOTO: I DID A POSTER. AND UP  
14 HERE IT SAYS RECYCLE OR DIE BECAUSE IF YOU DON'T  
15 RECYCLE, THEN OUR LAND WILL BE COVERED WITH, LIKE,  
16 JUNK. AND I PUT NO MORE POLLUTION, AND I PUT -- I  
17 DRAW THESE LITTLE PIECES OF TRASH AND A GARBAGE  
18 CAN. AND THEN I MADE THE PIECES OF TRASH SAYING  
19 PUT US IN THE TRASH. AND THIS THING SAYS WE DON'T  
20 WANT TO DIE. THANK YOU FOR LETTING US BE HERE.

21                   (APPLAUSE.)

22                  MR. BARRERA: ASHLEIGH RAMOS, WHO HAS AN  
23 ESSAY SHE'D LIKE TO READ.

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24 MS. RAMOS: HI. MY NAME IS ASHLEIGH  
25 RAMOS. I WROTE AN ESSAY ABOUT RECYCLE, REDUCE,

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1 REUSE. THAT'S MY TITLE.

2 RECYCLE, REDUCE, REUSE IS A PROGRAM  
3 WHEN YOU RECYCLE USED PRODUCTS. USED PRODUCTS CAN  
4 BE PAPER, CANS, OR ALUMINUM. SOME PEOPLE THINK  
5 RECYCLING IS NOT A BIG THING, BUT NOT RECYCLING IS  
6 POLLUTING OUR COUNTRY. AND WHEN PEOPLE DON'T PUT  
7 THEIR TRASH AWAY, THEY ARE POLLUTING OUR EARTH, AND  
8 IT IS DISGUSTING.

9 SOME PEOPLE WHO DO RECYCLE KNOW IF  
10 THEY DON'T, THEY ARE POLLUTING AND THEY CARE ABOUT  
11 THE EARTH WE LIVE ON. SOME PEOPLE REALLY DON'T  
12 CARE AND SOME DO. THE PEOPLE WHO DON'T CARE ARE  
13 SELFISH AND STUBBORN.

14 THE THINGS THAT PEOPLE RECYCLE WE USE  
15 EVERY DAY, PAPER, BOTTLES, BOOKS, ETC. OUR EARTH  
16 IS A PRECIOUS THING AND UNLESS WE RECYCLE, WE WILL  
17 HAVE A NASTY LOOKING EARTH; AND IF WE DON'T REDUCE,  
18 WE HAVE WON'T HAVE A CLEAN EARTH. ALSO, IF YOU  
19 DON'T REUSE, WE WON'T HAVE ENOUGH SUPPLIES. SO YOU  
20 KNOW WHAT TO DO: RECYCLE, REDUCE, REUSE.

21 (APPLAUSE.)

22 MR. BARRERA: THAT CONCLUDES OUR  
23 PRESENTATION, AND I'D LIKE TO THANK YOU FOR HAVING

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24 US HERE THIS MORNING AND FOR ALL THE WORK THAT YOUR  
25 STAFF HAS DONE. AND IF YOU ARE EVER IN OUR AREA,

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1 PLEASE STOP IN. WE'D BE HAPPY TO HAVE YOU. THANK  
2 YOU.

3 LADIES, HOW'D I FORGET YOU? CIERRA  
4 COATNEY. I APOLOGIZE, CIERRA. SHE HAS A POSTER  
5 SHE'D LIKE TO TELL ABOUT.

6 MS. COATNEY: HI. MY NAME IS CIERRA  
7 COATNEY. MY POSTER IS CALLED RECYCLE EVERYTHING  
8 YOU CAN. THERE ARE TWO MEANINGS TO THE WORD "CAN."  
9 THE PEPSI CAN STANDS FOR THE SODA CAN. THE WORD  
10 "CAN" STANDS FOR THE WORD "CAN." THANK YOU FOR THE  
11 LETTING US COME TODAY. GOODBYE.

12 (APPLAUSE.)

13 MR. MORALES: THANK YOU, ARTURO, FOR ALL  
14 THOSE GREAT FUTURE LEADERS THAT WE HAVE COMING ON.  
15 ISN'T IT EXCITING? AT THIS TIME I'D TURN THIS OVER  
16 TO BOARD MEMBER GOTCH, WHO HAS A PRESENTATION TO  
17 MAKE.

18 BOARD MEMBER GOTCH: STUDENTS, THANKS VERY  
19 MUCH FOR COMING HERE TODAY. AND WE HAVE SOME  
20 CERTIFICATES OF APPRECIATION FROM THE CALIFORNIA  
21 INTEGRATED WASTE MANAGEMENT BOARD THAT I'D LIKE TO  
22 AWARD TO EACH OF YOU. FIRST IS DARREN ARMIOTO.  
23 CONGRATULATIONS.



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24                                   AND NEXT IS SARAH CHAMANARA.

25                                   AND JENNA CHANDLER IS NEXT.

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1 CIERRA COATNEY.

2 CHRISTINA DANG.

3 ASHLEIGH RAMOS.

4 MONIQUE TINSLEY.

5 DANIELLE FOGG.

6 AND FINALLY, CHELSEA MCDANIEL.

7 (APPLAUSE.)

8 BOARD MEMBER GOTCH: THANK YOU ALL VERY  
9 MUCH. WE'D ALSO LIKE TO THANK YOUR PRINCIPAL FOR  
10 BRINGING YOU HERE TODAY AND FOR WORKING WITH US.

11 BOARD MEMBER RELIS: MR. CHAIR, IF I  
12 COULD, I'D JUST LIKE TO THANK THE KIDS FOR COMING  
13 AND REMINDING US SO CLEARLY OF WHAT OUR PURPOSE  
14 HERE IS AT THE BOARD, AND THAT WE'RE WORKING TO  
15 MAKE YOUR FUTURE, HOPEFULLY, MORE IN LINE WITH WHAT  
16 YOU'VE JUST SAID TO US TODAY. THANK YOU.

17 MR. MORALES: ONE LAST COMMENT I'D TO  
18 MAKE, AND ON BEHALF OF STAFF, I REALLY WOULD LIKE  
19 TO EXPRESS OUR SINCERE THANKS TO OUR EXECUTIVE  
20 DIRECTOR, MR. CHANDLER, AND TO THE BOARD MEMBERS  
21 BECAUSE YOU REALLY HAVE MADE IT POSSIBLE FOR STAFF  
22 TO DO THESE KIND OF PROGRAMS. THANK YOU.

23 CHAIRMAN PENNINGTON: THANK YOU. AND I

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24     THANK THE CHILDREN FOR BEING HERE TOO.    OKAY.

25     THANK YOU VERY MUCH.

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1                   NOW WE'LL MOVE TO ITEM -- AGENDA ITEM  
2   NO. 6, CONSIDERATION OF AWARD OF CONTRACT FOR LOAN  
3   CLOSING AND SPECIALIZED ACCOUNTING/FINANCIAL  
4   ASSISTANCE IN SUPPORT OF THE RECYCLING MARKET  
5   DEVELOPMENT REVOLVING LOAN PROGRAM.   CAREN  
6   TRGOVCICH.

7                   MS. TRGOVCICH:   GOOD MORNING, CHAIRMAN  
8   PENNINGTON AND MEMBERS.   I'M CAREN TRGOVCICH,  
9   DEPUTY DIRECTOR FOR THE WASTE PREVENTION AND MARKET  
10  DEVELOPMENT DIVISION.

11                   THE ITEM BEFORE YOU THIS MORNING IS  
12  AN ITEM SEEKING YOUR APPROVAL FOR TWO CONTRACTS IN  
13  SUPPORT OF THE RECYCLING MARKET DEVELOPMENT ZONE  
14  LOAN PROGRAM.   THESE TWO ITEMS WERE HEARD AS AN  
15  INFORMATIONAL ITEM BEFORE THE ADMINISTRATION  
16  COMMITTEE, BUT BECAUSE THE BID DEADLINE DID NOT  
17  OCCUR UNTIL OCTOBER 14TH, AFTER THE COMMITTEE HAD  
18  MET, WE WERE UNABLE TO MAKE ANY RECOMMENDATIONS AS  
19  IT RELATED TO LOW BID ON EITHER OF THE TWO  
20  CONTRACTS.

21                   VERY BRIEFLY, THE TWO CONTRACTS  
22  BEFORE YOU FOR CONSIDERATION TODAY ARE THE LOAN  
23  CLOSING CONTRACT.   AS YOU WILL REMEMBER FROM THE

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24 BOARD MEETING IN MARTINEZ, AT THAT TIME WE BROUGHT  
25 THREE CONTRACTS. OF THOSE, ONE WAS AWARDED. THE

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1 SECOND ONE -- AND THAT WAS OUR LOAN SERVICING  
2 CONTRACT. THE SECOND CONTRACT, WHICH WAS THE  
3 SPECIALIZED CREDITOR ASSISTANCE CONTRACT, THE BOARD  
4 APPROVED STAFF RECOMMENDATION TO SEEK A SOLE SOURCE  
5 LEGAL SERVICES AGREEMENT, WHICH HAS BEEN EXECUTED.  
6 AND THE THIRD CONTRACT, THE LOAN CLOSING CONTRACT,  
7 BECAUSE THERE WERE NOT ANY QUALIFIED BIDDERS, WE  
8 SOUGHT YOUR DIRECTION, AND YOU APPROVED GOING BACK  
9 OUT TO BID ON THIS CONTRACT.

10 SO WHAT IS BEFORE YOU TODAY AS THE  
11 FIRST CONTRACT IS THE LOAN CLOSING CONTRACT TO  
12 PROVIDE LOAN CLOSING SERVICES FOR THE PROGRAM. WE  
13 ARE CURRENTLY IN DIRE NEED OF THIS CONTRACT. WE  
14 HAVE APPROXIMATELY SEVEN TO TEN LOANS IN THE QUEUE,  
15 DEPENDING UPON AT VARIOUS STAGES OF CLOSING RIGHT  
16 NOW.

17 THE LOW BIDDER IN TERMS OF THIS  
18 CONTRACT -- AND THE LOW BIDS WERE OPENED ON OCTOBER  
19 14TH, AND THE MINIMUM QUALIFICATIONS WERE THEN  
20 REVIEWED. THE LOW BIDDER MET THE MINIMUM  
21 QUALIFICATIONS, AND THIS WAS AMERICAN RIVER BANK.

22 WE ARE VERY PLEASED TO RECOMMEND FOR  
23 AWARD AMERICAN RIVER BANK. THEY ARE CURRENTLY AS

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24 WELL, THEY WERE THE LOW BIDDER ON THE LOAN

25 SERVICING CONTRACT, SO THEY WILL BE PROVIDING BOTH

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1 THOSE SERVICES FOR THE BOARD. AND WE HOPE TO SEE  
2 ADDITIONAL EFFICIENCIES THROUGH HAVING A SINGLE  
3 ENTITY PROVIDING BOTH OF THOSE SERVICES.

4 THE SECOND CONTRACT BEFORE YOU FOR  
5 AWARD IS SPECIALIZED ACCOUNTING AND FINANCIAL  
6 ASSISTANCE IN SUPPORT OF THE PROGRAM. WE ARE  
7 CURRENTLY IN DIRE NEED OF THIS CONTRACT AS WELL.  
8 WE HAVE BEEN WITHOUT A CONTRACT IN THIS AREA FOR  
9 THREE AND A HALF MONTHS, AND WE HAVE MANY  
10 APPLICANTS AWAITING THIS TYPE OF SPECIALIZED  
11 ASSISTANCE.

12 THE BIDS WERE OPENED ON OCTOBER 14TH  
13 AND A LOW BIDDER WAS IDENTIFIED. WE THEN FOLLOWED  
14 THE SAME PROCESS AND DETERMINED WHETHER OR NOT THAT  
15 LOW BIDDER MET THE MINIMUM QUALIFICATIONS FOR THE  
16 CONTRACTOR.

17 IN OUR REVIEW WE DETERMINED THAT THE  
18 LOW BIDDER'S PROPOSAL DID NOT INCLUDE ANY  
19 INFORMATION PERTAINING TO THE EXPERIENCE OR  
20 QUALIFICATIONS NECESSARY TO ADMINISTER THE PROGRAM  
21 AS DEFINED IN THE SCOPE OF WORK. AND THAT SCOPE OF  
22 WORK IDENTIFIED THE AREAS OF LOAN NEGOTIATION, LOAN  
23 STRUCTURING, AND LOAN UNDERWRITING. AND THE



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24 PROPOSAL DID NOT IDENTIFY ANY EXPERIENCE OR  
25 QUALIFICATIONS IN THESE AREAS.

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1                   WE THEN MOVED TO THE NEXT LOW BIDDER,  
2   AND WE REVIEWED THAT PROPOSAL FOR COMPLIANCE WITH  
3   THE MINIMUM QUALIFICATIONS.   AND TENTATIVELY THAT  
4   NEXT LOW BIDDER DID MEET THE MINIMUM QUALIFICA-  
5   TIONS.   WE HAD SENT NOTICE TO THE FIRST LOW BIDDER,  
6   INFORMING THEM THAT THEY ARE BEING DISQUALIFIED  
7   BASED ON THEIR INABILITY TO MEET THE MINIMUM  
8   QUALIFICATIONS.   THERE IS A FIVE-DAY PROTEST PERIOD  
9   THAT IS ALLOWED.

10                  THE NEXT LOW BIDDER, I WOULD LIKE TO  
11   SAY, IS TENTATIVELY IDENTIFIED AS PEAT MARWICK  
12   INCORPORATED.   THEY HAVE PROVIDED THOSE SERVICES TO  
13   THE BOARD IN THE PAST.   THAT BIDDER HAS BEEN  
14   NOTIFIED; HOWEVER, WE ARE RECOMMENDING AWARD ON A  
15   CONTINGENT BASIS.   THAT IS ALL WE CAN DO AT THIS  
16   POINT.   WE ARE SEEKING YOUR APPROVAL TO AWARD THE  
17   CONTRACT TO PEAT MARWICK CONTINGENT UPON  
18   SUCCESSFULLY COMPLETING THIS FIVE-DAY PROTEST  
19   PERIOD.

20                  SO WE ARE SEEKING YOUR APPROVAL IN  
21   THIS SECOND CONTRACT WITH THAT CONTINGENCY.   BOB  
22   CAPUTI FROM THE LOAN SECTION IS HERE TO ANSWER ANY  
23   QUESTIONS THAT YOU MAY HAVE AT THIS POINT.

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24                   CHAIRMAN PENNINGTON:   QUESTIONS OF STAFF?

25    MR. CHESBRO.

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1                   BOARD MEMBER CHESBRO: YES. IT'S MY  
2 UNDERSTANDING THAT THESE CONTRACTS DO NOT INCLUDE  
3 THE NORMAL PROVISIONS FOR MINORITY AND WOMEN  
4 ENTERPRISES. AND MY QUESTIONS ARE IS THAT TRUE?  
5 IF NOT, WHY NOT? AND WHY HAS THIS TAKEN PLACE  
6 WITHOUT ANY POLICY DISCUSSION OR DETERMINATION BY  
7 THE BOARD TO CHANGE OUR BIDDING PROCEDURES TO  
8 EXCLUDE MINORITY AND WOMEN ENTERPRISES PROVISIONS?

9                   MS. TRGOVCICH: MR. CHESBRO AND MEMBERS, I  
10 THINK, AS WE'VE BEEN APPRISING YOUR OFFICES OF, THE  
11 MINORITY AND WOMEN OWNED BUSINESSES, AND PERHAPS  
12 LEGAL CAN PROVIDE YOU GREATER DETAIL IF YOU WOULD  
13 LIKE, BUT THOSE REQUIREMENTS WERE THE SUBJECT OF A  
14 LAWSUIT BASED UPON FEDERAL CONSTITUTIONAL  
15 PROVISIONS, AS I UNDERSTAND. THAT LAWSUIT MOVED  
16 THROUGH ITS COURSE, AND THE APPEAL DEADLINE IN THAT  
17 INSTANCE WAS SEPTEMBER 24TH.

18                   SINCE NO APPEALS WERE FILED BY THAT  
19 DEADLINE, ALL AGENCIES WITH CONTRACTS IN THE  
20 PROCESS AT THAT POINT WERE ADVISED BY THE  
21 DEPARTMENT OF GENERAL SERVICES TO SEND OUT  
22 ADDENDUMS IN ORDER TO AVOID PROTESTS IN ALL OF THE  
23 BID SITUATIONS.

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24 WE COMPLIED WITH THAT DIRECTION, AND  
25 SUBSEQUENTLY THE NINTH CIRCUIT COURT CHOSE TO NOT

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1 YET ISSUE ITS MANDATE. AND IT WILL BE DELAYED  
2 POSSIBLY ANOTHER SIX TO EIGHT WEEKS AT THIS POINT,  
3 AND SO WE'RE BACK IN ANOTHER LIMBO PERIOD.

4 PERHAPS LEGAL COUNSEL CAN DESCRIBE  
5 THE LEGAL REQUIREMENTS AROUND THIS PROVISION OF THE  
6 PUBLIC CONTRACTS CODE.

7 MS. BORZELLERI: MR. CHESBRO, THERE'S A  
8 SECTION IN THE PUBLIC CONTRACT CODE THAT REQUIRES  
9 THE M-WBE PROVISIONS. THE SECTION DOES NOT -- IT'S  
10 AN OVERALL PROVISION, SO THE BOARD IS NOT OUT OF  
11 COMPLIANCE WITH THAT SECTION BY NOT INCLUDING M-WBE  
12 IN THIS CONTRACT. I THINK -- SO LEGALLY WE'RE ON  
13 SOUND GROUND.

14 FROM A POLICY PERSPECTIVE, I THINK  
15 USUALLY THIS IS DONE ADMINISTRATIVELY, AND  
16 CERTAINLY THE BOARD CAN, YOU KNOW, MAKE ITS  
17 DETERMINATIONS, BUT WE HAVE NO LEGAL PROBLEM WITH  
18 THE COMPLIANCE WITH THE STATUTE AT THIS TIME BY  
19 LEAVING THE REQUIREMENTS OUT OF THIS.

20 AND WHAT WE WERE REALLY TRYING TO DO  
21 WAS PREVENT PROTEST. THAT WAS DGS'S RECOMMENDATION  
22 BECAUSE IF THE MANDATE HAD COME DOWN, WE WOULD HAVE  
23 HAD MORE PEOPLE PROTESTING OR WOULD HAVE HAD TO

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24       THROW THE BID OUT AND DO IT OVER AGAIN.

25                   BOARD MEMBER CHESBRO:   WELL, MR. CHAIRMAN,

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1 MY OFFICE WAS INFORMED OF THIS ON FRIDAY. AND THIS  
2 IS A SIGNIFICANT DEPARTURE FROM THE NORMAL  
3 PROCEDURES REGARDLESS OF WHETHER IT'S LEGAL OR NOT  
4 THAT WE HAVE TRADITIONALLY FOLLOWED AT THIS BOARD.  
5 AND THERE'S NOT BEEN DISCUSSION ON THE GENERAL  
6 TOPIC BY THE BOARD.

7 AND THAT'S MY CONCERN IS THAT A  
8 DECISION APPARENTLY WAS MADE AT THE DIRECTION OF  
9 GENERAL SERVICES, ONCE AGAIN UNDERMINING THE  
10 INDEPENDENCE AND THE AUTHORITY OF THIS BOARD TO SET  
11 ITS POLICIES, AND THAT'S THE RUB HERE.

12 WE CAN GET INTO A DEBATE ABOUT, YOU  
13 KNOW, THE APPROPRIATENESS OF MINORITY AND BUSINESS  
14 ENTERPRISES RECEIVING PREFERENCES, BUT I THINK IN  
15 FRONT OF THAT ISSUE IS THE PRIMARY QUESTION OF HOW  
16 WE GO ABOUT CHANGING OUR CONTRACTING PROCEDURES.  
17 AND I THINK THERE HAS BEEN A SIGNIFICANT CHANGE  
18 BASED ON SPECULATION ABOUT THE OUTCOME OF A  
19 LAWSUIT, AND THAT'S VERY DISTURBING TO ME.

20 MS. BORZELLERI: JUST FOR CLARIFICATION,  
21 THE NINTH CIRCUIT DID ISSUE ITS DECISION, AND WHAT  
22 WE'RE WAITING FOR WAS A 21-DAY PERIOD FOR APPEALS  
23 BEING FILED. NO APPEALS WERE FILED.



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24                               NOW, I THINK THERE'S A VERY LOW, LOW  
25       LIKELIHOOD THAT THIS DECISION WILL BE OVERTURNED OR

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1     THAT THE OUTCOME WILL BE SOMEHOW DIFFERENT, SO JUST  
2     FOR CLARIFICATION.

3                 BOARD MEMBER RELIS: I HAVE A QUESTION.  
4     WHAT'S DIFFERENT ABOUT THIS SET OF CONTRACTS THAN  
5     OTHERS THAT WE PROCESS?

6                 MS. TRGOVCICH: THE ONLY DIFFERENCE HERE  
7     IS THAT, IN RESPONSE TO THE DIRECTION FROM GENERAL  
8     SERVICES, WE SENT OUT AN ADDENDUM APPROXIMATELY A  
9     WEEK AND A HALF PRIOR TO THE 14TH BASICALLY  
10    REMOVING THE M-WBE PROVISIONS, BUT RETAINING THE  
11    DISABLED VETERAN PROVISIONS IN RESPONSE TO NO  
12    APPEALS BEING FILED IN THE COURT CASE.

13                IF IT WILL HELP YOU AT ALL, MEMBER  
14    CHESBRO, WE WERE ALL UNDER THE IMPRESSION THAT WITH  
15    THE APPEAL DEADLINE HAVING PASSED AND HEARING FROM  
16    THE NINTH CIRCUIT IN THAT REGARD, THAT WE WERE  
17    FOLLOWING ALL THE APPROPRIATE PROCESSES. WE DID  
18    NOT RECEIVE THE NOTICE FROM THE GOVERNOR'S OFFICE  
19    REGARDING THE FACT THAT THE DECISION WILL BE  
20    HELD -- OR I'M NOT QUITE SURE WHAT DOCUMENT IS  
21    GOING TO BE RELEASED IN SIX TO EIGHT WEEKS. THAT  
22    NOTICE DIDN'T OCCUR UNTIL LAST WEDNESDAY. WE DID  
23    NOT RECEIVE IT UNTIL THURSDAY, SO WE ATTEMPTED TO

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24 NOTIFY YOUR OFFICES.

25 BOARD MEMBER CHESBRO: BUT WE PREPARED A

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1 BID PROCESS WITHOUT THESE REQUIREMENTS, DID WE NOT?

2 AM I MISUNDERSTANDING WHAT HAPPENED?

3 MR. CHANDLER: NO. I THINK YOU ARE, AND

4 LET ME SEE IF I CAN CLARIFY IT.

5 BOARD MEMBER CHESBRO: PLEASE CORRECT ME

6 THEN IF I'M MISUNDERSTANDING.

7 MR. CHANDLER: THE PROCESS THAT WE

8 FOLLOWED WAS THE STANDARD PROCESS THAT WE FOLLOW

9 EVERY TIME WE ISSUE CONTRACTS, AND IT INCLUDED THE

10 M-WBE REQUIREMENT. HOWEVER, WHEN THE NINTH CIRCUIT

11 RULED THAT IT WAS UNCONSTITUTIONAL TO PUT THESE

12 PREFERENCES IN PLACE, GENERAL SERVICES SENT OUT A

13 MEMO SAYING YOU SHOULD AMEND YOUR CONTRACTING

14 PROCESS.

15 THEY APPARENTLY HAVE A 21-DAY PERIOD,

16 THE NINTH CIRCUIT, TO HEAR APPEALS AND THEY HAVE

17 JUST EXTENDED THAT BEYOND THE 21 DAYS. BUT OUR

18 PROCESS THAT WE FOLLOWED WAS ONE THAT WE FOLLOW ON

19 ALL CONTRACTS.

20 BOARD MEMBER CHESBRO: BUT WE DID AMEND

21 THEM THEN.

22 MR. CHANDLER: AT THE DIRECTION OF THE

23 STATE TO SEND OUT AN AMENDMENT TO ANY CONTRACT

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24 AFTER THE NINTH CIRCUIT RULED THAT IT WAS  
25 UNCONSTITUTIONAL TO HAVE THOSE AMENDMENTS IN YOUR

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1 CONTRACT PROCESS.

2 BOARD MEMBER CHESBRO: WELL, I GUESS MY  
3 CONCERN IS THAT APPARENTLY WE WANT TO AVOID PROTEST  
4 OF BIDDING PROCESSES IN ORDER TO KEEP THE CONTRACTS  
5 MOVING FORWARD, BUT THERE'S NOT CONSIDERATION ABOUT  
6 WHETHER OR NOT THE BOARD IS IN SUPPORT OF THAT  
7 CHANGE, AND SO IT'S SOMETHING THAT HAS JUST GONE  
8 FORWARD WITHOUT INFORMING --

9 CHAIRMAN PENNINGTON: THE BOARD IS NOT  
10 IN -- THE BOARD IS NOT INVOLVED IN WHAT CHANGE?

11 BOARD MEMBER CHESBRO: THE CHANGE IN OUR  
12 BIDDING PROCESS.

13 CHAIRMAN PENNINGTON: THERE HASN'T BEEN A  
14 CHANGE.

15 BOARD MEMBER CHESBRO: THERE CERTAINLY HAS  
16 BEEN A CHANGE IN OUR PROCEDURE. WE'VE AMENDED THE  
17 CONTRACTS BASED ON DIRECTION TO CHANGE OUR  
18 PROCEDURE OUTSIDE OF THE BOARD.

19 MS. TRGOVCICH: THAT WAS IN RESPONSE TO  
20 THE COURT DECISION, WHICH I DON'T BELIEVE  
21 NECESSARILY WOULD REQUIRE A POLICY DISCUSSION.

22 BOARD MEMBER CHESBRO: THAT COURT DECISION  
23 IS NOT FINAL.

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24                   CHAIRMAN PENNINGTON:  IF IT'S  
25   UNCONSTITUTIONAL FOR US TO DO IT, THEN --

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1                   BOARD MEMBER CHESBRO:   BUT THAT'S NOT A  
2   CLOSED DOOR AT THIS POINT.

3                   BOARD MEMBER RELIS:   I REALLY THINK WE'RE  
4   STRETCHING THE DISCUSSION.   I MEAN I DON'T SENSE  
5   ANYTHING PERNICIOUS ABOUT THIS.   THERE WAS A RULING  
6   THAT WAS REFLECTED IN A MEMO OR SOMETHING TO US  
7   ABOUT OUR CONTRACTS.   I FAIL TO SEE WHAT THE POLICY  
8   CHANGE IS.   I JUST DON'T SEE IT.

9                   ANYWAY, I'D LIKE TO -- IS THERE ANY  
10  FURTHER DISCUSSION?

11                  CHAIRMAN PENNINGTON:   UNLESS YOU HAVE  
12  SOMETHING MORE TO SAY.   OKAY.

13                  BOARD MEMBER RELIS:   MR. CHAIR, I THINK  
14  THESE CONTRACTS DO NEED TO BE AWARDED.   WE NEED TO  
15  HAVE THESE SKILLS AT OUR DISPOSAL TO FUNCTION IN  
16  THE LOAN PROGRAM.   AND SO I WOULD MOVE ADOPTION OF  
17  RESOLUTION 97-455.   I THINK THAT COVERS BOTH AND  
18  THAT'S IT.

19                  BOARD MEMBER JONES:   I'LL SECOND, BUT I  
20  WANT TO ASK MR. RELIS A QUESTION.   ON THE PEAT  
21  MARWICK ONE, IT'S CONTINGENT -- OUR APPROVAL WILL  
22  BE CONTINGENT ON SOME FIVE-DAY APPEAL THAT YOU ARE  
23  TALKING ABOUT.



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24 MS. TRGOVCICH: IF THE FIRST IDENTIFIED  
25 LOW BIDDER WERE TO PROTEST, THEN WE WOULD MOVE INTO

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1     THAT PERIOD, AND WE WOULD NOT BE ABLE TO AWARD THE  
2     CONTRACT UNTIL THAT LAST.

3             BOARD MEMBER RELIS:    OKAY.   WITH THAT  
4     CAVEAT, IT'S A CONDITIONAL APPROVAL OF THE PEAT  
5     MARWICK CONTRACT.

6             BOARD MEMBER JONES:    I SECOND.

7             CHAIRMAN PENNINGTON:   MR. FRAZEE.

8             BOARD MEMBER FRAZEE:   THE COPY OF  
9     RESOLUTION 97-455 THAT I HAVE IS THE DRAFT, AND I  
10    ASSUME THERE WAS ONE THAT INSERTS THE APPROPRIATE  
11    BIDDERS?

12            MS. TRGOVCICH:   YES, THERE IS ONE THAT  
13    INCLUDES THE APPROPRIATE BIDDERS BECAUSE THIS WAS  
14    SO CLOSE TO THE BOARD MEETING IN TERMS OF  
15    DETERMINATION OF THE MINIMUM QUALIFICATIONS, BUT WE  
16    WILL TAKE THAT INFORMATION FROM YOUR MOTION AND  
17    TRANSLATE THAT INTO A FINAL RESOLUTION FOR YOUR  
18    SIGNATURE.

19            CHAIRMAN PENNINGTON:   OKAY.   IF THERE'S  
20    ANY FURTHER DISCUSSION.   IF NOT, WILL THE SECRETARY  
21    CALL THE ROLL.

22            THE SECRETARY:   BOARD MEMBER CHESBRO.

23            BOARD MEMBER CHESBRO:   NO.

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24 THE SECRETARY: FRAZEE.

25 BOARD MEMBER FRAZEE: AYE.

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1 THE SECRETARY: GOTCH.

2 BOARD MEMBER GOTCH: NO.

3 THE SECRETARY: JONES.

4 BOARD MEMBER JONES: AYE.

5 THE SECRETARY: RELIS.

6 BOARD MEMBER RELIS: AYE.

7 THE SECRETARY: CHAIRMAN PENNINGTON.

8 CHAIRMAN PENNINGTON: AYE. MOTION

9 CARRIES.

10 MOVE TO ITEM 33, CONSIDERATION OF

11 STAFF RECOMMENDATION ON THE BIENNIAL REVIEW

12 PROCESS.

13 MR. SCHIAVO: GOOD MORNING, CHAIRMAN AND

14 BOARD MEMBERS. I'M PAT SCHIAVO REPRESENTING THE

15 DIVERSION, PLANNING AND LOCAL ASSISTANCE DIVISION

16 TODAY, AND I'LL BE INTRODUCING ITEMS NO. 33 AND 34.

17 ITEM NO. 33 IS CONSIDERATION OF

18 APPROVAL OF STAFF'S PROPOSAL TO REVIEW THE

19 BIENNIAL -- PRESENT THE BIENNIAL REVIEW PROCESS.

20 IT WILL BE PRESENTED BY SURJIT DHILLON, DIANNE

21 RANGE OF THE OFFICE OF LOCAL ASSISTANCE, AND YASMIN

22 SATTER OF THE WASTE CHARACTERIZATION AND ANALYSIS

23 BRANCH.

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24 MR. DHILLON: GOOD MORNING, CHAIRMAN

25 PENNINGTON AND BOARD MEMBERS. ITEM NO. 33 IS

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1     CONSIDERATION OF STAFF RECOMMENDATION ON THE  
2     BIENNIAL REVIEW PROCESS.   THE LOCAL ASSISTANCE AND  
3     PLANNING COMMITTEE HEARD THIS ITEM ON JULY 1997.  
4     COMMITTEE ACCEPTED STAFF RECOMMENDATION TO  
5     DISTRIBUTE THE DRAFT BIENNIAL REVIEW PROCESS FOR  
6     PUBLIC COMMENT.   THE DRAFT BIENNIAL REVIEW PROCESS  
7     WAS DISTRIBUTED FOR PUBLIC COMMENT, AND THE PERIOD  
8     ENDED ON AUGUST 28TH.

9                     THE PUBLIC COMMENTS AND STAFF  
10    RESPONSES WILL BE DISCUSSED LATER IN THIS  
11    PRESENTATION.

12                    THIS ITEM WAS PRESENTED AT THE  
13    OCTOBER 21ST LOCAL ASSISTANCE AND PLANNING  
14    COMMITTEE.   THE COMMITTEE ACCEPTED STAFF  
15    RECOMMENDATION TO PURSUE THE BIENNIAL REVIEW AS  
16    PRESENTED IN THE AGENDA ITEM AND RECOMMENDED THAT  
17    IT BE HEARD BY THE FULL BOARD FOR THE  
18    CONSIDERATION.

19                    PUBLIC RESOURCES CODE SECTION 41825  
20    REQUIRES THE BOARD TO REVIEW EACH CITY, COUNTY, AND  
21    REGIONAL AGENCY'S SRRE AND HHWE AT LEAST ONCE EVERY  
22    TWO YEARS.   THE REVIEW WILL INCLUDE EACH CITY,  
23    COUNTY, AND REGIONAL AGENCY'S PROGRESS IN

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24     IMPLEMENTING DIVERSION PROGRAMS TO ACHIEVE THE  
25     DIVERSION REQUIREMENTS.   AS A RESULT OF THIS

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1 BIENNIAL REVIEW, THE BOARD MAY EITHER FIND THE  
2 JURISDICTION HAS IMPLEMENTED ITS SRRE AND-OR HHWE  
3 OR INITIATE A COMPLIANCE PROCESS FOR JURISDICTIONS  
4 FAILING TO IMPLEMENT THE SRRE AND-OR HHWE.

5 JURISDICTIONS FAILING TO MEET THE  
6 PROVISIONS OF THE COMPLIANCE PROCESS MAY BE FINED  
7 UP TO \$10,000 PER DAY. BOARD STAFF HAVE DEVELOPED  
8 A PROPOSED BIENNIAL REVIEW PROCESS WHICH IS A  
9 STEP-BY-STEP APPROACH.

10 STAFF PROPOSE THAT THE BIENNIAL  
11 REVIEW PROCESS BEGIN SHORTLY AFTER THE BOARD  
12 RECEIVES THE 1996 ANNUAL REPORTS FROM JURISDIC-  
13 TIONS. THE BIENNIAL REVIEW AGENDA ITEMS WILL BE  
14 COMING TO THE COMMITTEE AND THE BOARD SOMETIME  
15 EARLY NEXT YEAR.

16 SCHEDULING CRITERIA HAS BEEN  
17 DEVELOPED TO ASSIST IN DETERMINING THE ORDER IN  
18 WHICH THE JURISDICTIONS' DOCUMENTS WILL BE  
19 REVIEWED. JURISDICTIONS THAT ARE REQUIRED TO HAVE  
20 SUBMITTED TWO ANNUAL REPORTS FOR 1995 AND 1996  
21 WOULD BE AMONG THOSE REVIEWED INITIALLY. BOARD  
22 STAFF WOULD THEN SCHEDULE FOR REVIEW DOCUMENTS FROM  
23 JURISDICTIONS THAT ARE REQUIRED TO HAVE SUBMITTED



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24 ONLY THE 1996 ANNUAL REPORT. AND FINALLY, ALL  
25 REMAINING JURISDICTIONS' DOCUMENTS WOULD BE

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1 REVIEWED LAST.

2 THE BOARD HAS THE OPTION OF  
3 PERFORMING A BIENNIAL REVIEW ON ANY JURISDICTION  
4 REGARDLESS OF SCHEDULING CRITERIA ON A CASE-BY-CASE  
5 BASIS.

6 IN CONDUCTING THE BIENNIAL REVIEW,  
7 STAFF MAY USE THE FOLLOWING SOURCES OF INFORMATION:  
8 SRRE'S AND HHWE'S AND AGENDA ITEMS APPROVING THESE  
9 DOCUMENTS, ANNUAL REPORTS AND DISPOSAL REPORTING  
10 INFORMATION SUBMITTED BY JURISDICTIONS, BOARD  
11 APPROVED PETITIONS FOR REDUCTIONS OR EXTENSIONS AND  
12 THEIR AGENDA ITEMS, BOARD APPROVED REGIONAL AGENCY  
13 AGENDA ITEMS, CORRESPONDENCE BETWEEN JURISDICTIONS  
14 AND THE BOARD, STAFF COMMUNICATION RECORDS, OTHER  
15 INFORMATION SUBMITTED BY THE JURISDICTIONS, DATA  
16 FROM OTHER FEDERAL, STATE, AND LOCAL AGENCIES TO  
17 VERIFY PROGRAM IMPLEMENTATION NUMBERS.

18 IF AFTER CONSIDERING INFORMATION FROM  
19 THESE SOURCES STAFF REQUIRES ADDITIONAL INFORMA-  
20 TION, LETTERS REQUESTING NEEDED INFORMATION WILL BE  
21 SENT TO THE JURISDICTIONS.

22 THE REVIEW CRITERIA FOR DETERMINING  
23 WHETHER A JURISDICTION HAS MET THE DIVERSION

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24     REQUIREMENTS, SUFFICIENTLY IMPLEMENTED A SRRE AND  
25     HHWE, AND QUALIFIES FOR STATUTORY RELIEF, INCLUDING

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1     GOOD FAITH EFFORT, IS IDENTIFIED IN THE CIWMP  
2     ENFORCEMENT POLICY PART 2, WHICH WAS ADOPTED BY THE  
3     BOARD IN FEBRUARY 1995.

4                     BOARD STAFF PROPOSE TO USE THE CIWMP  
5     ENFORCEMENT REVIEW CRITERIA TO ANALYZE WHETHER A  
6     JURISDICTION HAS MET THE DIVERSION REQUIREMENTS AND  
7     SUFFICIENTLY IMPLEMENTED ITS PROGRAMS AS IDENTIFIED  
8     IN THE SRRE AND HHWE.

9                     ONCE STAFF HAVE COMPLETED THE  
10    ANALYSIS, A RECOMMENDATION WILL BE MADE AND  
11    PRESENTED TO THE LOCAL ASSISTANCE AND PLANNING  
12    COMMITTEE. STAFF ARE PROPOSING A STREAMLINED  
13    AGENDA FOR JURISDICTIONS THAT HAVE SUFFICIENTLY  
14    IMPLEMENTED THEIR SRRE AND HHWE AND HAVE MET THE  
15    DIVERSION REQUIREMENT. THIS STREAMLINED AGENDA  
16    WOULD CONSIST OF A SINGLE MONTHLY AGENDA PACKET  
17    SUMMARIZING INFORMATION FROM EACH JURISDICTION THAT  
18    STAFF DETERMINES HAS MET THE DIVERSION REQUIREMENT  
19    AND IMPLEMENTED BOARD APPROVED PLANS.

20                    IF STAFF ANALYSIS FINDS A JURISDIC-  
21    TION HAS NOT MET THE DIVERSION REQUIREMENT OR HAS  
22    NOT SUFFICIENTLY IMPLEMENTED ITS SRRE OR HHWE, A  
23    FULL AGENDA ITEM FOR EACH JURISDICTION WOULD BE

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24     PREPARED AND FORWARDED TO THE COMMITTEE AND BOARD  
25     FOR CONSIDERATION.

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1                   A LITERAL READING OF THE PROCESS  
2 DESCRIBED IN THE STATUTE WOULD SEEM TO INDICATE  
3 THAT STATUTORY RELIEF MEASURES AND GOOD FAITH  
4 EFFORTS BE CONSIDERED AT THE END OF THE COMPLIANCE  
5 SCHEDULE. STAFF ARE PROPOSING THAT THE BOARD  
6 INTERPRET THE STATUTE TO ALLOW ANALYSES OF  
7 APPLICABLE STATUTORY RELIEF MEASURES AND GOOD FAITH  
8 EFFORT DURING THE REVIEW AND RECOMMENDATION STEPS  
9 OF THE PROPOSED BIENNIAL REVIEW PROCESS. THE LEGAL  
10 OFFICE HAVE -- HAS REVIEWED THIS RECOMMENDATION AND  
11 HAS DETERMINED THAT THIS INTERPRETATION WOULD BE  
12 CONSISTENT WITH THE STATUTE.

13                   A VARIETY OF COMMENTS WERE RECEIVED  
14 ON THE DRAFT BIENNIAL REVIEW PROCESS THAT WAS  
15 CIRCULATED FOR THE 30-DAY PUBLIC COMMENT PERIOD. A  
16 TOTAL OF SIX JURISDICTIONS PROVIDED WRITTEN  
17 COMMENTS AND SEVERAL OTHERS ASKED FOR CLARIFICA-  
18 TIONS OVER THE TELEPHONE. SOME OF THESE COMMENTS  
19 INCLUDE MINOR EDITS THAT HAVE BEEN INCORPORATED IN  
20 THIS AGENDA ITEM. THE OTHER COMMENTS HAVE BEEN  
21 REVIEWED, AND MANY REQUEST CHANGE IN THE STATUTE.  
22 STAFF DID NOT MODIFY THE PROPOSED BIENNIAL REVIEW  
23 PROCESS TO INCORPORATE THESE COMMENTS.

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24 STAFF HAS GROUPED THE COMMENTS INTO  
25 THE FOLLOWING GENERAL CATEGORIES. SOME JURISDIC-

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1 TIONS HAVE VOICED THEIR CONCERN REGARDING THE  
2 PROBLEMS ASSOCIATED WITH BASE-YEAR GENERATION  
3 NUMBERS AND THE DISPOSAL REPORTING SYSTEM. IT HAS  
4 BEEN SUGGESTED THAT THE SUBMITTAL OF THE 1996  
5 ANNUAL REPORTS AND THE BIENNIAL REVIEW SHOULD BE  
6 DELAYED UNTIL THE PROBLEMS ASSOCIATED WITH THE  
7 BASE-YEAR GENERATION NUMBERS AND THE DISPOSAL  
8 REPORTING SYSTEM ARE CORRECTED.

9 STAFF RESPONSE TO THIS ISSUE IS THAT  
10 STAFF HAVE BEEN WORKING COOPERATIVELY WITH THE  
11 LOCAL JURISDICTIONS THROUGH A WORKING GROUP AND  
12 REVIEW TEAM TO DEVELOP SOLUTIONS TO THESE  
13 PROBLEMS. THE RECOMMENDATIONS MADE BY THIS GROUP  
14 WERE APPROVED AT THE MARCH 1997 BOARD MEETING AND  
15 HAVE HELPED TO RESOLVE A NUMBER OF BASE-YEAR  
16 GENERATION MEASUREMENT PROBLEMS AND DISPOSAL  
17 REPORTING ISSUES.

18 THE BOARD CANNOT GRANT A DELAY IN  
19 CONDUCTING BIENNIAL REVIEW AND SUBMITTAL OF THE  
20 ANNUAL REPORTS AS THESE ARE REQUIRED BY THE  
21 STATUTE.

22 ANOTHER CATEGORY OF COMMENTS  
23 DESCRIBES THE BIENNIAL REVIEW AS AN UNFUNDED



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24 MANDATE THAT WOULD INTRODUCE AN ADDITIONAL BURDEN  
25 ON THE JURISDICTION. IT HAS BEEN SUGGESTED THAT

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1 THE BIENNIAL REVIEW SHOULD BE CHANGED TO A FIVE-  
2 YEAR REVIEW. STAFF RESPONSE IS THAT IN PRC SECTION  
3 41901 THE LEGISLATURE HAS AUTHORIZED JURISDICTIONS  
4 TO IMPOSE FEES IN AMOUNTS SUFFICIENT TO PAY THE  
5 COST OF PREPARING, ADOPTING, AND IMPLEMENTING A  
6 COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN.

7 JURISDICTIONS MAY WISH TO SEEK  
8 STATUTORY CHANGES TO THE LEGISLATION IF THEY  
9 BELIEVE THE FREQUENCY OF THE BIENNIAL REVIEW SHOULD  
10 BE CHANGED.

11 JURISDICTIONS HAVE ALSO QUESTIONED  
12 THE FEASIBILITY OF MEETING THE MANDATED 50-PERCENT  
13 DIVERSION GOAL BY THE YEAR 2000. STAFF RESPONSE IS  
14 THAT THE CURRENT LAW REQUIRES JURISDICTIONS TO MEET  
15 THE 50-PERCENT DIVERSION GOAL BY THE YEAR 2000, BUT  
16 ALSO PROVIDES RELIEF THROUGH TIME EXTENSIONS AND  
17 REDUCED GOALS. AS OF JANUARY 1, 1998, ALL  
18 JURISDICTIONS MAY PETITION FOR UP TO A MAXIMUM OF  
19 FIVE YEARS OF TIME EXTENSIONS, AND ALSO ALL  
20 JURISDICTIONS MAY PETITION FOR A REDUCED GOAL FOR  
21 UP TO A MAXIMUM OF FIVE YEARS. AND JURISDICTIONS  
22 THAT MEET THE DEFINITION OF A RURAL JURISDICTION  
23 MAY PETITION FOR A REDUCED GOAL FOR AS LONG AS THEY

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24 CONTINUE TO MEET THE CONDITIONS OF THE BOARD

25 APPROVED PETITION.

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1                   AT THIS TIME STAFF ARE RECOMMENDING  
2    THAT THE BOARD APPROVE THE BIENNIAL REVIEW PROCESS  
3    AND DIRECT STAFF TO PURSUE THE BIENNIAL REVIEW  
4    PROCESS AS PRESENTED.   THIS CONCLUDES MY PRESENTA-  
5    TION.   I'LL BE HAPPY TO ANSWER ANY QUESTIONS.

6                   BOARD MEMBER CHESBRO:   I WOULD ONLY ADD,  
7    AS I DID IN MY COMMITTEE REPORT, THAT THIS IS A  
8    CRITICAL ELEMENT BY WHICH THE STAFF HAS RESPONDED  
9    TO THE BOARD'S DIRECTION, AND I THINK IT'S VERY  
10   IMPORTANT FOR DEMONSTRATING, NOT ONLY THAT WE'RE  
11   GOING TO ADHERE TO THE 25 PERCENT, BUT SEND THE  
12   MESSAGE ABOUT WHAT OUR FUTURE PLANS ARE WITH  
13   REGARDS TO 50 PERCENT, WHICH IS WHY I THINK THE  
14   BOARD, DURING THE GETTING TO 50 PERCENT INITIATIVE,  
15   SAID WE WANT YOU TO MOVE UP THIS 25-PERCENT  
16   PROCESS.

17                   THIS IS REQUIRED BY LAW, OF COURSE,  
18    BUT I THINK STAFF'S HONED IN ON IT AND FOCUSED ON  
19    IT MUCH MORE EFFECTIVELY, I THINK, AS A RESULT OF  
20    THE BOARD'S DIRECTION.   SO THE COMMITTEE APPROVED  
21    IT, NEEDLESS TO SAY.

22                   BOARD MEMBER JONES:   MR. CHAIRMAN, CAN I  
23    ASK ONE QUESTION?

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24 CHAIRMAN PENNINGTON: CERTAINLY.

25 BOARD MEMBER JONES: ON THE STATUTORY

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1 RELIEF ISSUE AT THE STAFF -- AT THE STAFF  
2 RECOMMENDATION, YOU KNOW, WHEN YOU ARE LOOKING AT  
3 THAT STUFF, WHAT KIND OF ACTION NEEDS TO BE TAKEN  
4 TO APPROVE THAT? YOU HAD TALKED THAT WE NEEDED TO  
5 HAVE SOME DISCUSSION ABOUT THAT. IS THIS THE  
6 APPROPRIATE --

7 MR. DHILLON: IT WOULD JUST BE AN  
8 INTERPRETATION ISSUE. THE LEGAL HAS LOOKED AT IT,  
9 AND THEY FEEL COMFORTABLE WITH IT.

10 BOARD MEMBER JONES: YEAH, I DON'T HAVE A  
11 PROBLEM WITH IT.

12 MR. DHILLON: AN APPROVAL OF THIS PROCESS  
13 AS PRESENTED WOULD DO THAT.

14 BOARD MEMBER JONES: WOULD DO IT. OKAY.  
15 I JUST WANTED TO MAKE SURE WE DIDN'T LEAVE  
16 SOMETHING OUT.

17 BOARD MEMBER RELIS: MR. CHAIR, I HAVE A  
18 COUPLE OF QUESTIONS AND COMMENTS. I WOULD  
19 UNDERSCORE THE EARLIER COMMENTS, THAT THIS IS  
20 OBVIOUSLY A CRITICAL PHASE WE'RE IN. I THINK STAFF  
21 DID A GREAT JOB OF PULLING THIS TOGETHER, AND I  
22 CERTAINLY ENJOYED THE BRIEFING ON THIS.

23 LOOKING ON PAGE 40, WHICH WOULD BE

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24 PAGE 3 OF THE ITEM, I JUST WONDERED, LOOKING DOWN  
25 THE LIST OF THE BOARD APPROVED CRITERIA OUTLINED IN

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1 CIWMP ENFORCEMENT PART 2 REPORT, I WAS REREADING A  
2 LINE THERE AND UNDER MARKETS, ONE OF THE BULLETS,  
3 THIRD FROM THE BOTTOM OF THOSE BULLETS, HAVE  
4 MARKETS FOR DIVERTED MATERIALS CONTINUALLY REMAINED  
5 LOW OR POOR.

6 I JUST WOULD NOTE, AND I DON'T KNOW  
7 IF WE HAVE ANY FLEXIBILITY, BUT THAT LANGUAGE IS  
8 QUITE AMBIGUOUS. AND I THINK WHAT WE'RE GOING TO  
9 HAVE TO TIE BACK TO IN THIS ANALYSIS IS FEASI-  
10 BILITY. IN OTHER WORDS, IF YOU USE TERMS LIKE LOW  
11 OR POOR, RELATIVE TO WHAT? THE REAL TEST, IT SEEMS  
12 TO ME, THAT WE'LL HAVE TO BE TAKING UP IS SOME  
13 MEASURES OF FEASIBILITY. AND I COULD SAY THAT  
14 MATERIAL X IS LOW IN VALUE. IS THAT A REASON FOR  
15 ME NOT TO DO THE PROGRAM? DOES THAT GIVE A BASIS  
16 FOR NOT IMPLEMENTING SOMETHING?

17 SO COULD I ASK, WHAT IS OUR ABILITY,  
18 IF AT ALL, TO JUST ADJUST LANGUAGE AT THIS POINT,  
19 OR IS IT TOO LATE TO DO SO.

20 MR. DHILLON: I WOULD JUST LIKE TO MAKE A  
21 CLARIFICATION HERE. THESE CRITERIA, THEY ARE ONLY  
22 ILLUSTRATIVE.

23 BOARD MEMBER RELIS: ALL THE MORE



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24     IMPORTANT.   I THINK THAT WHEN PEOPLE READ THIS,  
25     THEY MIGHT JUST INTERPRET THAT LITERALLY.   AND I

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1     WOULD JUST NOTE THAT PARTICULAR LINE CAUSES ME SOME  
2     TROUBLE BECAUSE OF THE VAGUENESS.

3                     THEN JUMPING OVER TO PAGE 4 OR PAGE  
4     41 OF THE ITEM, THIRD PARAGRAPH DOWN, THERE'S A  
5     STATEMENT IN MIDDLE OF THE PARAGRAPH, A LITERAL  
6     READING OF THE PROCESS WOULD SEEM TO INDICATE THESE  
7     CRITERIA TO BE CONSIDERED AFTER A PUBLIC HEARING IN  
8     WHICH A COMPLIANCE SCHEDULE IS ISSUED AND AFTER  
9     FAILURE BY THE JURISDICTION TO MEET THAT SCHEDULE.

10                    AND HERE'S THE POINT, STAFF  
11     RECOMMENDS THAT THE BOARD INTERPRET THIS STATUTE TO  
12     ALLOW AN ANALYSIS OF APPLICABLE GOOD FAITH EFFORT  
13     AND OTHER STATUTORY RELIEF CONSIDERATIONS DURING  
14     THE STAFF REVIEW AND RECOMMENDATION STEPS OF THE  
15     PROPOSED BIENNIAL REVIEW.

16                    I THINK THIS IS -- I'M ASSUMING  
17     EVERYONE UNDERSTANDS THIS, BUT THIS IS A BIG  
18     ASSESSMENT. IN OTHER WORDS, YOU ARE DOING THE GOOD  
19     FAITH TEST PRIOR. AND I JUST WANT TO MAKE SURE WE  
20     ALL UNDERSTAND THAT. I THINK THAT IS FINE WITH ME,  
21     BUT I JUST WANTED TO NOTE THAT.

22                    AND THEN FINALLY, ON PAGE 5 OF THIS  
23     ITEM OR 42 OF THE AGENDA, UNDER A RESPONSE TO THE

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24 FIRST QUESTION UP THERE, STAFF REFERS TO UNDER THE  
25 RESPONSE, SECOND PARAGRAPH, FULL PARAGRAPH FROM THE

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1 TOP, THE RECOMMENDATIONS MADE BY THIS WORKING GROUP  
2 WERE APPROVED AT THE MARCH '97 BOARD MEETING AND  
3 HELPED TO RESOLVE A NUMBER OF BASE-YEAR GENERATION  
4 MEASUREMENT PROBLEMS AND DISPOSAL REPORTING  
5 ISSUES. STAFF IS RAPIDLY COMPLETING THE REVIEW OF  
6 OUTSTANDING 1995 ANNUAL REPORTS.

7 I WOULD JUST LIKE TO GET AN IDEA  
8 AGAIN, MAYBE OTHERS KNOW THIS, BUT JUST HOW MANY  
9 NUMBER ISSUES ARE OUT THERE THAT YOU WERE LOOKING  
10 TO RESOLVE IN THIS? WHAT'S THE MAGNITUDE AT THIS  
11 POINT?

12 MR. SCHIAVO: RIGHT NOW WE'VE MOVED --  
13 MOST OF THE NUMBER RELATED ANNUAL REPORTS HAVE --  
14 MOST OF THEM HAVE BEEN CLEARED. I DON'T KNOW THE  
15 EXACT NUMBERS, BUT I KNOW WE'VE MOVED A COUPLE OF  
16 HUNDRED OUT OF 300 AND SOMETHING. I'M NOT SURE OF  
17 THE EXACT NUMBER, BUT WE'RE GETTING DOWN TO THE  
18 VERY END OF THE PROCESS.

19 BOARD MEMBER RELIS: SO IT'S NOT A VERY  
20 LARGE NUMBER? I MEAN I'M NOT SAYING --

21 MR. SCHIAVO: NOT IN PROPORTION TO THE  
22 NUMBER OF SUBMITTALS THAT WE RECEIVED.

23 BOARD MEMBER RELIS: OKAY.

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24                   MR. SCHIAVO:  A LOT OF THEM ARE FOCUSED IN  
25   ONE PARTICULAR REGION OF THE STATE.

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1                   BOARD MEMBER RELIS:  YES.  I KNOW YOU'VE  
2   DONE A YEOMAN'S AMOUNT OF WORK ON THIS ISSUE, AND  
3   I'M GLAD TO SEE PROGRESS.

4                   MR. SCHIAVO:  I JUST WANTED TO MAKE ONE  
5   COMMENT REGARDING THE MARKET STATEMENT.  I  
6   UNDERSTAND IT IS VAGUE HERE.  IN THE STATUTE ITSELF  
7   IT SAYS MARKET CONDITIONS AND DISTANCE TO.  AND  
8   WHILE THAT'S NOT DEFINED VERY WELL IN STATUTE, WE  
9   JUST WANTED TO AT LEAST ANNOTATE THE RELEVANCE OF  
10  MARKETS AS A CONSIDERATION IN THE PROCESS.

11                  BOARD MEMBER RELIS:  RIGHT.  CERTAINLY WE  
12  UNDERSTAND THAT MARKETS, IT IS IN THE STATUTE  
13  AND -- BUT THE FRAMEWORK THAT YOU WILL BE MAKING  
14  THIS EVALUATION, AND WHEN YOU DO SOMETHING LIKE  
15  THAT, IT'S NICE TO KNOW, AS A BOARD MEMBER LOOKING  
16  AT IT, WELL, WHAT WAS YOUR CRITERIA?  WHAT WAS YOUR  
17  FRAMEWORK FOR DOING THAT?  AND IT WOULD MAKE ME  
18  NERVOUS IF IT'S JUST POOR, LACKLUSTER, YOU KNOW,  
19  TERMS LIKE THAT, JUST YOU CAN DRIVE A TRAIN THROUGH  
20  THEM.

21                  MR. SCHIAVO:  AT THIS POINT, RIGHT, NO,  
22  IT'S GOT TO BE CLARIFIED.

23                  MR. DHILLON:  AGAIN, ANOTHER CLARIFICATION

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24 ON THE SAME ISSUE THAT MR. RELIS RAISED. I DO HAVE  
25 THE CIWMP ENFORCEMENT PART 2 RIGHT IN FRONT OF ME,

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1     AND IN THAT DOCUMENT THERE IS ALSO THAT CAVEAT,  
2     WHICH SAYS, AND I'M READING FROM THE DOCUMENT,  
3     "THESE ILLUSTRATIVE CRITERIA ARE PROVIDED TO SERVE  
4     AS AN EXAMPLE." THE CRITERIA ARE NOT PROSCRIPTIVE,  
5     AND THEY'RE NOT A CHECKLIST. THEY INDICATE THE  
6     ISSUES THAT WILL BE EXAMINED WHEN THE BOARD  
7     PERFORMS ITS BIENNIAL REVIEWS. THERE'S NO INTENT  
8     IN THIS REPORT TO MANDATE THAT EACH CRITERION BE  
9     ADHERED TO AND THAT IF NOT, THEN THE LOCAL  
10    JURISDICTION WOULD BE IN A FAILURE SITUATION.

11                    SO I THINK WE DO HAVE THAT KIND OF  
12    LANGUAGE IN THERE AND THE FLEXIBILITY IS THERE.

13                    BOARD MEMBER RELIS: I AGREE, BUT THINGS  
14    IN PRINT TAKE ON A LIFE OF THEIR OWN.

15                    CHAIRMAN PENNINGTON: ANY FURTHER  
16    QUESTIONS OF THE BOARD? IF NOT, I'LL ENTERTAIN A  
17    MOTION.

18                    BOARD MEMBER CHESBRO: I'LL MOVE THE STAFF  
19    AND COMMITTEE RECOMMENDATION.

20                    BOARD MEMBER RELIS: SECOND.

21                    CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND  
22    SECONDED. IF THERE'S NO FURTHER DISCUSSION, WILL  
23    THE SECRETARY CALL THE ROLL.



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24 THE SECRETARY: BOARD MEMBER CHESBRO.

25 BOARD MEMBER CHESBRO: AYE.

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1 THE SECRETARY: FRAZEE.

2 BOARD MEMBER FRAZEE: AYE.

3 THE SECRETARY: GOTCH.

4 BOARD MEMBER GOTCH: AYE.

5 THE SECRETARY: JONES.

6 BOARD MEMBER JONES: AYE.

7 THE SECRETARY: RELIS.

8 BOARD MEMBER RELIS: AYE.

9 THE SECRETARY: CHAIRMAN PENNINGTON.

10 CHAIRMAN PENNINGTON: AYE. MOTION

11 CARRIES.

12 WE'RE GOING TO MOVE OUT OF THE  
13 SEQUENCE HERE A LITTLE BIT AND MOVE TO ITEM 46,  
14 WHICH IS THE CONSIDERATION OF COMMENTS FOR THE  
15 CALIFORNIA DEBT LIMITATION ALLOCATION COMMITTEE ON  
16 ITS ALLOCATION PROCESS FOR THE '98 CALENDAR YEAR.  
17 MS. TRGOVCICH, CALVIN YOUNG.

18 MS. TRGOVCICH: GOOD MORNING, CHAIRMAN  
19 PENNINGTON AND MEMBERS. ITEM NO. 46 BEFORE YOU  
20 TODAY IS CONSIDERATION OF COMMENTS PREPARED BY THE  
21 STAFF IN COOPERATION WITH INTERESTED PARTIES TO BE  
22 SUBMITTED TO THE CALIFORNIA DEBT LIMIT ALLOCATION  
23 COMMITTEE AS THEY CONSIDER THEIR ALLOCATION PROCESS

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24 FOR CALENDAR YEAR 1998.

25 THIS ITEM WAS PRESENTED TO YOU AT THE

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1 BOARD MEETING FOR THE PRIOR MONTH, THE SEPTEMBER  
2 BOARD MEETING. AND IN THAT PRESENTATION WE  
3 PROVIDED YOU WITH BACKGROUND ON CDLAC, THE  
4 ALLOCATION PROCESS, THE PROPOSED CATEGORIES FOR  
5 ALLOCATION, AND ISSUES RAISED AROUND THAT.

6 AT THAT MEETING YOU DIRECTED US TO  
7 WORK WITH INTERESTED PARTIES TO ENSURE THAT FOR THE  
8 VARIOUS TYPES OF SOLID WASTE INTEGRATED WASTE  
9 MANAGEMENT OPERATIONS THAT ARE OUT THERE THAT MAY  
10 WISH TO ACCESS THESE FUNDS, THAT THEIR VIEWS WERE  
11 REPRESENTED AS IT RELATED TO THE EXEMPT FACILITY  
12 CATEGORY, WHICH WAS OUR PRINCIPAL AREA OF COMMENT.

13 WE MET WITH THESE INTERESTED PARTIES  
14 ON SEVERAL OCCASIONS DURING THE PAST MONTH, AND WE  
15 FEEL THAT THE MOST RECENT VERSION OF THE COMMENTS  
16 TO MATT FONG, AS THE CHAIRMAN OF CDLAC, ALONG WITH  
17 THE RESOLUTION, ALONG WITH THE COMMENTS TO BE  
18 FOCUSED SPECIFICALLY ON THE REGULATIONS PERTAINING  
19 TO THE EXEMPT FACILITY CATEGORY, REFLECT THE MOST  
20 RECENT RESULTS OF THOSE MEETINGS WITH THE  
21 INTERESTED PARTIES.

22 AT THIS TIME I WOULD ASK YOU IF YOU  
23 WOULD LIKE STAFF TO MAKE ANY FURTHER PRESENTATION

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24 TO THE ITEM. WE DIDN'T WANT TO DUPLICATE WHAT WE  
25 PROVIDED TO YOU LAST MONTH AT THE FULL BOARD

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1 MEETING. I KNOW THAT MR. FRED SMITH, EXECUTIVE  
2 DIRECTOR OF THE CALIFORNIA POLLUTION CONTROL  
3 FINANCING AUTHORITY, IS HERE AND WISHES TO SPEAK ON  
4 THIS MATTER AS WELL. SO WITH YOUR PLEASURE, WE'LL  
5 PROCEED EITHER WAY.

6 CHAIRMAN PENNINGTON: MAYBE WE CAN HAVE  
7 MR. SMITH ADDRESS US, AND I THINK MR. RELIS HAS  
8 SOME COMMENTS THAT HE WISHES TO ADDRESS.

9 MR. SMITH: GOOD MORNING. AND THANK YOU  
10 FOR THIS OPPORTUNITY. I DO WANT TO FOR THE RECORD  
11 INDICATE THAT I WAS INVITED TO SPEAK. IT WAS NOT  
12 SOMETHING THAT I FELT OBLIGED THAT IT WAS MY  
13 RESPONSIBILITY TO COME BEFORE YOU AND TALK WITH  
14 YOU; HOWEVER, I WELCOME THE OPPORTUNITY.

15 I AM EXECUTIVE DIRECTOR OF FOUR  
16 AUTHORITIES. I WILL ADDRESS THE TWO MOST ACTIVE  
17 ONES, THE INDUSTRIAL DEVELOPMENT FINANCING  
18 AUTHORITY AND THE POLLUTION CONTROL FINANCING  
19 AUTHORITY. WITHIN THESE TWO PROGRAMS, WHICH ARE  
20 THE TWO MOST ACTIVE PROGRAMS, WITHIN THE CIDFA,  
21 WHICH IS THE INDUSTRIAL DEVELOPMENT FINANCE  
22 AUTHORITY, VARIOUS CITIES AND COUNTIES ARE ABLE TO  
23 CREATE INDUSTRIAL DEVELOPMENT AUTHORITIES THAT

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24     ACTUALLY ARE THE ISSUERS OF TAXABLE AND TAX EXEMPT  
25     BONDS .

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1 MY STAFF ASSIST BORROWERS AND THESE  
2 AUTHORITIES TO APPROVE AND STRUCTURE TAXABLE AND  
3 TAX EXEMPT ISSUES TO FINANCE PRIMARILY  
4 MANUFACTURERS. AND IN THIS CASE WE ATTEND THE  
5 CDLAC MEETING WITH THE ISSUER AND THE BORROWER IN  
6 AN ASSISTANCE ROLE.

7 IN THE POLLUTION CONTROL FINANCING  
8 AUTHORITY, WE PROVIDE THE SAME ASSISTANCE TO  
9 BORROWERS IN STRUCTURE AND FINANCING AND APPROVING  
10 OF FINANCING FOR COMPLIANCE WITH STATE AND FEDERAL  
11 STATUTES, BUT CPCFA IS THE APPLICANT TO THE DEBT  
12 LIMIT ALLOCATION COMMITTEE FOR ALLOCATION. THAT  
13 WOULD INCLUDE ALL OF THE SOLID WASTE PROJECTS. SO  
14 WE ARE, IN FACT, THE APPLICANT FOR A VOLUME CAP.

15 EACH YEAR, AS YOU KNOW, THE STATE HAS  
16 ABOUT 1.5 BILLION IN ALLOCATION AVAILABLE. WE GO  
17 THROUGH A TREMENDOUS PROCESS IN TERMS OF MAKING  
18 SURE, HOPEFULLY THROUGH A RESERVE SYSTEM, THAT  
19 THERE IS SUFFICIENT ALLOCATION RESERVED AT THE  
20 BEGINNING OF EACH YEAR FOR EACH CATEGORY THAT IS  
21 ALLOWED TO ISSUE TAX EXEMPT BONDS.

22 THE OVERALL AREA THAT THE DEBT LIMIT  
23 ALLOCATION COMMITTEE HAS HISTORICALLY USED FOR OUR



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24 AREA HAS BEEN EXEMPT FACILITIES. I BELIEVE THAT IT  
25 SHOULD NOT BE ALL EXEMPT FACILITIES, THAT IT SHOULD

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1 BE LARGE ISSUE AND SMALL ISSUE ENVIRONMENTAL  
2 IMPROVEMENT BONDS BECAUSE THAT REALLY IS THE  
3 CATEGORY. AND, OF COURSE, MOST OF THE SOLID WASTE  
4 PROGRAMS WILL PROBABLY FALL UNDER SMALL ISSUE  
5 ENVIRONMENTAL IMPROVEMENT BONDS, AND THEN YOU HAVE  
6 THE LARGE ONES.

7 OVERALL I SUPPORT ALL EFFORTS TO  
8 ENSURE THAT THERE IS SUFFICIENT ALLOCATION FOR  
9 THESE CATEGORIES. I WOULD ALSO LIKE TO INDICATE  
10 THAT I THINK ONE OF THE SIGNIFICANT THINGS THAT CAN  
11 BE DONE IS TO SUPPORT LEGISLATION THAT -- ON THE  
12 NATIONAL LEVEL THAT INCREASES THE VOLUME CAP FOR  
13 EACH STATE FROM \$50 PER CAPITA TO \$75 PER CAPITA.  
14 IN CALIFORNIA THAT WOULD REFLECT AN INCREASE IN  
15 TOTAL AVAILABILITY FROM 1.5 BILLION TO ABOUT 2.2  
16 BILLION.

17 WE HAVE AN INITIATIVE WITHIN THE  
18 STATE TREASURER'S OFFICE, AND WE'RE ENCOURAGING  
19 LETTERS TO ELECTED OFFICIALS FROM PRINCIPALS AND  
20 CEO'S OF CALIFORNIA BUSINESSES. THAT IS THE ONLY  
21 THING THAT'S GOING TO GET THIS LEGISLATION PASSED.  
22 SO WITH THAT, I WOULD BE AVAILABLE TO ANSWER ANY  
23 QUESTIONS THAT YOU MIGHT HAVE.

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24                   CHAIRMAN PENNINGTON:   THANK YOU, MR.

25   SMITH.   ANY QUESTIONS OF MR. SMITH?

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1                   BOARD MEMBER JONES: I'D LIKE TO -- NOT A  
2 QUESTION. JUST A THANK YOU FOR BEING HERE. I'M --  
3 I'VE BEEN A RECIPIENT OR MY COMPANIES HAVE BEEN  
4 RECIPIENTS IN MY PAST LIFE OF CPCFA FINANCING. I  
5 THINK IT'S IMPORTANT THAT PEOPLE -- I THINK THIS  
6 BOARD FULLY UNDERSTANDS THAT WITHOUT CPCFA  
7 FINANCING, IT IS IMPOSSIBLE IN SOME CASES TO BUILD  
8 THE INFRASTRUCTURE TO TAKE CARE OF SOLID WASTE  
9 ISSUES. AND I THINK THAT THE PEOPLE DISCOUNT THAT  
10 IDEA OF THAT 1-PERCENT OR 2-PERCENT DIFFERENCE, BUT  
11 IT CLEARLY IS A DIFFERENCE BETWEEN MAKING A PROJECT  
12 AND NOT MAKING A PROJECT. AND WITHOUT THAT HELP,  
13 THERE WOULD BE A LOT OF PEOPLE IN CALIFORNIA THAT  
14 WOULD BE IN BAD SHAPE. SO I APPRECIATE IT. AND I  
15 KNOW MR. RELIS CALLED THE ITEM, AND I WAS GLAD TO  
16 SEE IT.

17                   BOARD MEMBER RELIS: MR. CHAIR, I TOO  
18 WOULD LIKE TO THANK MR. SMITH FOR BEING HERE AND  
19 AGREEING TO COME. NOT ON YOUR -- FULLY ON YOUR  
20 OTHER VOLITION, BUT APPRECIATE THAT.

21                   THIS IS AN IMPORTANT STEP FOR THE  
22 BOARD TO BE TAKING. WE'VE BEEN WORKING WITH CPCFA  
23 FOR MANY YEARS ON FINANCING VARIOUS AB 939 RELATED

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24     PROJECTS.    AND OVER THE LAST FEW YEARS, WE'VE  
25     SUBMITTED INDIVIDUAL LETTERS TO CDLAC REGARDING ITS

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1 PROPOSED ALLOCATIONS FOR POLLUTION CONTROL RELATED  
2 PROJECTS. I KNOW THE CHAIRMAN AND I HAVE DONE THAT  
3 ON A COUPLE OF OCCASIONS.

4 TODAY'S ACTION WOULD ESTABLISH A FIRM  
5 FRAMEWORK FOR ENGAGING CDLAC ON BEHALF OF OUR  
6 AB 939 PARTNERS; THAT IS, IN THE IMPLEMENTATION  
7 SIDE IN THE PRIVATE SECTOR WHO ARE MAKING  
8 SUBSTANTIAL INVESTMENTS IN MANUFACTURING, RECOVERY,  
9 AND PROCESSING AND DISPOSAL FACILITIES.

10 I'M PLEASED THAT STAFF HAS BEEN ABLE  
11 TO WORK WITH THE VARIOUS INTERESTS OVER THE LAST  
12 MONTH TO BRING THIS RESOLUTION AND DRAFT LETTER TO  
13 THE BOARD, AND I WANT TO COMMEND STAFF FOR YOUR  
14 WORK.

15 I WOULD LIKE, HOWEVER, TO MAKE ONE  
16 CHANGE IN THE RESOLUTION. AND I'LL NOTE THAT. I  
17 PASSED OUT IN UNDERLINE FORM THE RESOLUTION CHANGE  
18 THAT I'M SEEKING.

19 IT BASICALLY WOULD AMEND RESOLUTION  
20 97-457 AS FOLLOWS. IT WOULD STRIKE THE SIXTH  
21 WHEREAS REGARDING DEVELOPING MARKETS AND INSERT THE  
22 FOLLOWING AFTER THE SECOND WHEREAS. AND THAT'S --  
23 WOULD STATE, "WHEREAS, APPROPRIATE SOLID WASTE

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24 MANAGEMENT INFRASTRUCTURE, INCLUDING MATERIALS

25 RECOVERY, OTHER PROCESSING, AND MANUFACTURING

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1     FACILITIES, IS ESSENTIAL IN DEVELOPING MARKETS FOR  
2     RECOVERED MATERIALS IN ORDER TO CARRY OUT STATE AND  
3     LOCAL RESPONSIBILITIES UNDER THE ACT."

4                     BASICALLY THAT IS THE CHANGE I'M  
5     SEEKING, AND WE WOULD STRIKE THE SIXTH WHEREAS  
6     REGARDING DEVELOPING MARKETS BECAUSE WE WOULD BE  
7     COVERING THAT IN THIS RESOLUTION CHANGE.

8                     AND I WOULD ALSO ASK THAT IF WE DO  
9     ADOPT THIS RESOLUTION, THAT A SIMILAR REFERENCE BE  
10    INCLUDED IN THE LETTER TO BE SIGNED BY THE  
11    CHAIRMAN.

12                    CHAIRMAN PENNINGTON:   WE DON'T HAVE ANY  
13    FURTHER QUESTIONS OF MR. SMITH, DO WE?   THANK YOU,  
14    MR. SMITH.

15                    MR. SMITH:   THANK YOU.

16                    CHAIRMAN PENNINGTON:   WE HAVE A COUPLE OF  
17    PEOPLE IN THE AUDIENCE WHO WANT TO SPEAK, AND ALSO  
18    I JUST RECEIVED A LETTER FROM TAYLOR MILLER OF  
19    MILLER, KARP, AND GROTT IN SUPPORT OF THIS, ALSO  
20    INCLUDING A LETTER THAT MR. MILLER HAD SENT TO THE  
21    CALIFORNIA DEBT LIMITATION ALLOCATION COMMITTEE IN  
22    SUPPORT OF OUR RESOLUTION.   YOU ALL ARE ALSO COPIED  
23    ON THIS IN THIS LETTER TO ME.   SO WE'LL MAKE IT A



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24     PART OF THE RECORD AS -- IN AN EX PARTE.

25                             FIRST WE HAVE MARK LEARY.

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1                   MR. LEARY:   GOOD MORNING, MR. CHAIRMAN AND  
2   MEMBERS OF THE BOARD.   MY NAME IS MARK LEARY,  
3   REPRESENTING BROWNING-FERRIS INDUSTRIES.   I'D JUST  
4   LIKE TO BRIEFLY EXPRESS BROWNING-FERRIS INDUSTRIES'  
5   SUPPORT FOR THE BOARD'S RESOLUTION TO SUBMIT  
6   COMMENTS TO THE CDLAC'S 1998 ALLOCATION PROCESS.

7                   AS WAS SO ELOQUENTLY EXPRESSED IN THE  
8   BOARD'S RESOLUTION AND THE COVER LETTER, THE  
9   ALLOCATION FOR TAX EXEMPT FINANCING IS CRITICAL TO  
10  THE CONSTRUCTION OF SOLID WASTE INFRASTRUCTURE IN  
11  CALIFORNIA IN A COST-EFFECTIVE MANNER THAT, ONE,  
12  ASSIST LOCAL GOVERNMENT IN COMPLYING WITH 939  
13  MANDATES; TWO, IT WILL KEEP SOLID WASTE MANAGEMENT  
14  COST REASONABLE FOR ALL CALIFORNIANS; AND, THREE,  
15  IT WILL PROVIDE MEANINGFUL EMPLOYMENT FOR MANY  
16  CALIFORNIANS.

17                  I URGE THAT THE BOARD ADOPT THIS  
18  RESOLUTION AS AMENDED, MODIFIED BY THE BOARD MEMBER  
19  RELIS, AND ONLY SUGGEST THAT THE CDLAC MIGHT BE  
20  FURTHER PERSUADED TO ENHANCE THE ALLOCATION TO  
21  SOLID WASTE MANAGEMENT INFRASTRUCTURE IF THEY WERE  
22  AWARE OF THE MANDATE TO RECYCLE OR DIE AS EXPRESSED  
23  BY THE YOUNG GENTLEMAN FROM ISADOR COHEN SCHOOL.

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24      THANK YOU VERY MUCH.

25                      CHAIRMAN PENNINGTON:    THANK YOU.    NEXT WE

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1 HAVE EVAN EDGAR.

2 MR. EDGAR: GOOD MORNING, CHAIRMAN AND  
3 BOARD MEMBERS. MY NAME IS EVAN EDGAR OF EDGAR  
4 ASSOCIATES ON BEHALF OF THE CALIFORNIA REFUSE  
5 REMOVAL COUNCIL. TODAY I GOT MY 1997-98 ROSTER  
6 FROM CRRC AND COUNTED UP THE MEMBERSHIP. WE HAVE  
7 125 CURBSIDE RECYCLING COLLECTORS, AND 50 MRF  
8 OPERATORS; AND COUNTING OVER THE LAST COUPLE OF  
9 YEARS, A LOT OF OUR MRF OPERATORS HAVE UTILIZED  
10 THIS FUNDING TO BUILD A MRF. WITHOUT THE FUNDING,  
11 AS MR. JONES POINTED OUT, WE DON'T BUILD THE MRF.  
12 IF WE DON'T BUILD THE MRF'S, WE DON'T GET THE  
13 50-PERCENT MANDATE ACHIEVEMENT.

14 SO THIS IS VERY IMPORTANT TO US, THIS  
15 POLLUTION CONTROL FINANCING. WE HAVE TWO LOBBYISTS  
16 WORKING WITH CDLAC AS WE SPEAK IN ORDER TO  
17 REPRESENT US AT THE NOVEMBER 20TH HEARING IN ORDER  
18 TO GET ADDITIONAL ALLOCATION TOWARDS THE EXEMPT  
19 FACILITIES. SO IT'S VERY IMPORTANT TO US.

20 I SUPPORT THE LETTER AND THE  
21 MODIFICATIONS PRESENTED BY MR. RELIS IN THE  
22 RESOLUTION. I BELIEVE STAFF HAD A LOT OF GOOD  
23 INSIGHTS AND INTEREST IN ORDER TO MAKE IT A BETTER

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24 LETTER. SO SUPPORT THE WASTE BOARD'S LEADERSHIP ON  
25 THIS MATTER. IT'S VERY IMPORTANT TO AB 939. THANK

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1     YOU.

2                   CHAIRMAN PENNINGTON:   THANK YOU.   ANY  
3     QUESTIONS OF MR. EVAN EDGAR?   IF NOT, ANY FURTHER  
4     DISCUSSION?   IF NOT, WE NEED A MOTION.

5                   BOARD MEMBER RELIS:   MR. CHAIR, I'LL MOVE  
6     THE RESOLUTION, THE AMENDED RESOLUTION.

7                   CHAIRMAN PENNINGTON:   OKAY.

8                   BOARD MEMBER JONES:   I'LL SECOND IT.

9                   CHAIRMAN PENNINGTON:   IT'S BEEN MOVED AND  
10    SECONDED.   ANY FURTHER DISCUSSION ON CONSIDERING  
11    THE AMENDED RESOLUTION?   IF NOT, WILL THE SECRETARY  
12    CALL THE ROLL.

13                  THE SECRETARY:   BOARD MEMBER CHESBRO.

14                  BOARD MEMBER CHESBRO:   AYE.

15                  THE SECRETARY:   FRAZEE.

16                  BOARD MEMBER FRAZEE:   AYE.

17                  THE SECRETARY:   GOTCH.

18                  BOARD MEMBER GOTCH:   AYE.

19                  THE SECRETARY:   JONES.

20                  BOARD MEMBER JONES:   AYE.

21                  THE SECRETARY:   RELIS.

22                  BOARD MEMBER RELIS:   AYE.

23                  THE SECRETARY:   CHAIRMAN PENNINGTON.

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24                   CHAIRMAN PENNINGTON: AYE.   MOTION

25   CARRIES.

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1 WE'LL MOVE BACK NOW TO ITEM --

2 BOARD MEMBER RELIS: MR. CHAIR, WITH THE  
3 MOTION, IT'S ASSUMED IN THE LETTER THAT GOES TO  
4 CDLAC, IT WILL MAKE REFERENCE AS I SUGGESTED.

5 CHAIRMAN PENNINGTON: YES.

6 BOARD MEMBER RELIS: THANK YOU.

7 MS. TRGOVCICH: MR. CHAIRMAN, MAYBE I'LL  
8 JUST REFER YOU TO THE MOST RECENT VERSION OF THE  
9 LETTER. IN THE THIRD PARAGRAPH, IF THIS SATISFIES  
10 YOU, MEMBER RELIS, IT SAYS, "ADDITIONALLY,  
11 APPROPRIATE SOLID WASTE MANAGEMENT INFRASTRUCTURE  
12 IS ESSENTIAL TO MEETING STATE AND FEDERAL  
13 REQUIREMENTS RELATING TO HEALTH, SAFETY, ETC. IF  
14 LOW COST TAX EXEMPT FINANCING IS NOT AVAILABLE FOR  
15 THIS NECESSARY INVESTMENT IN WASTE PROCESSING,  
16 RECYCLING, AND DISPOSAL INFRASTRUCTURE, MANY LOCAL  
17 GOVERNMENTS WOULD NOT BE ABLE TO COMPLY," ETC.  
18 DOES THAT RESPOND TO YOUR ADDITIONAL WHEREAS?

19 BOARD MEMBER RELIS: DOES IT HAVE THE WORD  
20 "MANUFACTURING" IN THERE?

21 MS. TRGOVCICH: WE CAN CERTAINLY ADD THAT  
22 IN.

23 BOARD MEMBER RELIS: THANK YOU.



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24                   CHAIRMAN PENNINGTON:   ALL RIGHT.

25                   NOW MOVE BACK TO NO. 34, WHICH IS

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1     CONSIDERATION OF STAFF'S PROPOSAL TO DEVELOP THE  
2     INTEGRATED DATA SYSTEM.

3                     WE'LL TAKE A FIVE-MINUTE BREAK HERE.

4                     (RECESS TAKEN.)

5                     CHAIRMAN PENNINGTON:   OKAY.   WE'LL COME  
6     BACK TO ORDER HERE AND TAKE UP AGENDA ITEM 34.   AT  
7     THE COMPLETION OF AGENDA ITEM 34, WE'LL RECESS FOR  
8     LUNCH AND COME BACK AT 1:00 OR 1:30, WHICHEVER IS  
9     YOUR PLEASURE.

10                    MR. SCHIAVO:   PAT SCHIAVO REPRESENTING THE  
11     DIVERSION, PLANNING AND LOCAL ASSISTANCE DIVISION.  
12     AND I'LL BE INTRODUCING ITEM NO. 34 AND ALSO  
13     COPRESENTING IT WITH DOUG RALSTON OF THE INFORMA-  
14     TION MANAGEMENT BRANCH.

15                    ITEM NO. 34 IS CONSIDERATION OF  
16     STAFF'S DEVELOPMENT OF THE INTEGRATED DATA SYSTEM,  
17     AND THIS ITEM WAS HEARD IN YESTERDAY'S LOCAL  
18     ASSISTANCE AND PLANNING COMMITTEE MEETING AND  
19     APPROVED AND FORWARDED TO TODAY'S MEETING.

20                    THE INTEGRATED DATA SYSTEM IS OUR  
21     FIRST ATTEMPT AT ACTUALLY TRYING TO LINK OUR  
22     INFORMATION RESOURCES HERE AT THE BOARD.   IT'S  
23     SOMETHING WE'VE TALKED ABOUT, BUT NEVER REALLY

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24     ATTEMPTED TO DEVELOP.    AND SO THIS IS OUR FIRST

25     ATTEMPT AT TRYING TO DEVELOP IT.

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1                   BECAUSE IT IS AN OVERWHELMING EFFORT  
2    TO TRYING TO LINK ALL THE DATABASES HERE AT THE  
3    BOARD, WE WANT TO TAKE A PHASED APPROACH AND TRY TO  
4    ENSURE AS SUCCESSFUL A VENTURE AS WE POSSIBLY CAN.  
5    IT WILL BE IN THREE PHASES.   THE FIRST PHASE  
6    ACTUALLY BEING A PILOT PHASE, LOOKING AT FOUR  
7    PARTICULAR DATABASES THAT MEET THE BOARD'S  
8    IMMEDIATE NEEDS, THAT HAVE RELATED INFORMATION, AND  
9    THAT ARE CURRENTLY BEING MAINTAINED BY EXISTING  
10   STAFF.

11                  WE ANTICIPATE THIS FIRST PHASE BEING  
12   COMPLETED IN MID-DECEMBER.   WE WILL THEN PUT  
13   TOGETHER A SUMMARY REPORT LOOKING AT THE STRENGTHS  
14   AND WEAKNESSES OF THE EFFORT, SUGGESTIONS FOR WHAT  
15   WE COULD DO TO ENHANCE THE NEXT PHASE AND PRESENT  
16   THAT TO YOU PROBABLY IN JANUARY BECAUSE OF THE  
17   HOLIDAY SEASON AND THE TIMING OF OUR COMPLETION.

18                  PHASE II WILL BE PREDICATED AGAIN ON  
19   THE SUCCESS OF PHASE I, AND THAT THAT'S ANTICIPATED  
20   TO INCLUDE MARKET DATA SUCH AS COMPOST FACILITIES,  
21   CALMAX, LOAN ZONE INFORMATION, OTHER SUCH  
22   INFORMATION.   SOME OF OUR WHAT-IF TOOLS, SUCH AS  
23   THE AUTOMATED DIVERSION PLANNING TOOL AND SOME OF

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24 OUR OTHER MODELS, AS WELL AS THE WASTE

25 CHARACTERIZATION DATABASE, AND THE PARIS DATABASE,

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1 WHICH IS PROGRAM IMPLEMENTATION INFORMATION FROM  
2 THE LOCAL JURISDICTION.

3 AGAIN, AS FAR AS WHAT THE RESOURCES  
4 AND THE TIMING OF PHASE II ARE, WE DON'T KNOW YET.  
5 AGAIN, THAT'S GOING TO BE PREDICATED ON THE SUCCESS  
6 OF PHASE I AND THE INFORMATION DERIVED FROM  
7 COMPLETION OF PHASE I.

8 PHASE III IS PRETTY MUCH AT THIS  
9 POINT, WE DON'T KNOW. IT'S JUST TOO FAR DOWN THE  
10 ROAD. WE PROBABLY FIGURE THAT'S ANOTHER YEAR AND A  
11 HALF DOWN THE ROAD TILL WE GET TO THAT PHASE, AND  
12 THAT'S GOING TO BE BASED SOME OF OUR CREATIVE  
13 THOUGHTS WE GET THROUGH PHASE NO. II.

14 AS I MENTIONED, THE TIME LINE, WE  
15 HOPEFULLY WILL GET THROUGH THIS FIRST PHASE  
16 DECEMBER 15TH, AND THEN PRESENT THE RESULTS OF THAT  
17 TO YOU. AND RESOURCES AT THIS POINT IN TIME, THE  
18 RESOURCES ARE, IN A SENSE, VOLUNTARY EFFORT. WE  
19 DON'T HAVE ALLOCATED RESOURCES TO THIS THE PHASE 1  
20 EFFORT. WE'RE DOING THAT IN BETWEEN OTHER PROJECTS  
21 JUST TO TRY TO GET THIS COMPLETED, AND THEN LOOK AT  
22 THE ACTUAL ALLOCATION OF RESOURCES FOR THE  
23 SUBSEQUENT PHASES, AND WE'LL BE PRESENTING THAT TO

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24 YOU.

25 THE OBJECTIVES AND THE BUSINESS FOCUS

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1 OF THE PILOT PROJECT ARE REALLY BASED ON A LOT OF  
2 QUESTIONS THAT WE RECEIVE ON A DAILY, WEEKLY,  
3 MONTHLY BASIS HERE AT THE BOARD AND OUR STAFF IN  
4 PARTICULAR. SOME OF THE QUESTIONS WE RECEIVE ARE  
5 WHAT ARE DISPOSAL AMOUNTS BY LOCATION? WHAT IS THE  
6 LANDFILL CAPACITY OF DIFFERENT LANDFILLS THROUGHOUT  
7 THE STATE? WHAT ARE THE WASTE MATERIALS FLOWS BY  
8 COUNTY? WHERE IS THE MATERIAL FLOW FROM SAN  
9 BERNARDINO PER SE? IS THERE ANY MATERIAL THAT  
10 FLOWS TO VENTURA COUNTY, ETC.? WE'LL BE ABLE TO  
11 SHOW THAT AND ALSO LOOK AT THE PERMIT STATUS OF OUR  
12 CURRENT FACILITIES.

13 THOSE ARE JUST SOME OF THE INFORMA-  
14 TION THAT WE'LL BE ABLE TO PRESENT. WE SO FAR HAVE  
15 COME UP WITH 18 TO 20. IT VARIES DEPENDING ON  
16 LOOKING AT THE DATA. BUSINESS REPORTS THAT WE  
17 CAN -- WILL BE ABLE TO PRESENT AS A RESULT OF  
18 COMPLETION OF PHASE I.

19 WE'LL ALSO BE LOOKING AT OR ADDING IN  
20 TRANSPORTATION ROUTE DATA, RAIL INFORMATION, AS  
21 WELL AS DEMOGRAPHIC POPULATION INFORMATION. AND  
22 AGAIN, BASED ON OUR EXPERIENCE WITH THE PHASE I,  
23 WE'LL BE DETERMINING WHAT WE'LL BE DOING FOR THE



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24       SUBSEQUENT PHASES.

25                   MR. RALSTON:   OVER THE LAST FOUR YEARS,

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1 THE BOARD HAS CREATED SOME 40 DATABASES THAT ARE  
2 USED DAILY IN THE ADMINISTRATION OF VARIOUS  
3 PROGRAMS. AS WE'VE BEEN DEVELOPING THE PROGRAMS  
4 AND THE DATA TO SUPPORT THOSE, VARIOUS KINDS OF  
5 BUSINESS PROCESSES HAVE BECOME IMPORTANT AS WE LINK  
6 THOSE DATABASES TO GET INFORMATION FOR DECISION  
7 MAKERS.

8 AS THE ORGANIZATION HAS MATURED, WE  
9 FIND MORE AND MORE NEED FOR COMBINING THREE OR FOUR  
10 DIFFERENT SOURCES OF DATA IN ORDER TO ANSWER SOME  
11 OF THE MORE COMPLEX QUESTIONS THAT WE'RE BEING  
12 ASKED TO RESPOND TO. THIS PARTICULAR PROJECT IS A  
13 PILOT PROJECT TO SEE THE FEASIBILITY OF LINKING  
14 FOUR PRIMARY DATABASES OF THE BOARD TO SEE, ONE,  
15 FROM A TECHNICAL LEVEL, CAN WE DO IT, WHICH WE'RE  
16 VERY SURE WE CAN, FROM AN ORGANIZATIONAL LEVEL,  
17 WHAT ARE THE THINGS THAT MAY NEED TO CHANGE OR WHAT  
18 ARE SOME NEW PROCESSES WE NEED TO PUT INTO EFFECT  
19 IN ORDER TO MAKE THAT COOPERATION AND THAT  
20 INTEGRATION GO. AND THEN CERTAINLY, LASTLY, WHAT  
21 ARE SOME DEFINITIONS AND TERMS THAT WE AS A BOARD  
22 NEED TO COME TO GRIPS WITH IN TERMS OF ACTUALLY  
23 GIVING AN ACCURATE AND COMPLETE RESPONSE TO

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24 QUESTIONS.

25 AN EXAMPLE WOULD BE COMPOST. IF YOU

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1 ASK THREE OF THE LINE DIVISIONS HERE WHAT COMPOST  
2 MEANS, YOU WOULD PROBABLY GET THREE DIFFERENT  
3 ANSWERS. WHAT WE'RE SEEKING WITH THIS INTEGRATED  
4 DATA SYSTEM IS TO START LOOKING AT HOW WE TREAT  
5 INFORMATION AND TO COME TO A CONSENSUS ON  
6 DEFINITION, TERMS, AND RELATIONSHIPS. WE THINK  
7 THESE ARE THINGS THAT ARE VALUABLE FOR DECISION  
8 MAKERS TO KNOW THAT THEY HAVE VALUABLE, CURRENT  
9 DATA.

10 THE FOUR DATABASES THAT WE'RE USING  
11 AS PART OF THIS PILOT ARE THE LANDFILL CAPACITY GIS  
12 SYSTEM OR CALF, THE SWIS II DATABASE, THE BOE  
13 TIPPING FEE DATA, AND, LASTLY, THE DISPOSAL  
14 REPORTING DATABASE.

15 MR. SCHIAVO: THESE DATABASES ARE ALL  
16 MAINTAINED BY DIFFERENT ORGANIZATIONS THROUGHOUT  
17 THE BOARD. THE LANDFILL CAPACITY IS MAINTAINED BY  
18 OFFICE OF LOCAL ASSISTANCE; SWIS II IS MAINTAINED  
19 BY PERMITS AND ENFORCEMENT DIVISION; THE BOE  
20 TIPPING FEE DATA IS MAINTAINED BY ADMINISTRATION  
21 DIVISION; AND DISPOSAL REPORTING DATABASE BY THE  
22 WASTE CHARACTERIZATION AND ANALYSIS BRANCH. SO IT  
23 SHOWS YOU THE INTEGRATION NEEDS THAT WE'RE GOING TO

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24 HAVE TO SEE THAT WORK HERE IN THE ORGANIZATION.

25 THE DELIVERABLES THAT WE FORESEE WITH

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1     THIS PILOT PROJECT ARE GOING TO BE THE STANDARD  
2     REPORTS THAT I MENTIONED TO YOU. WE SO FAR  
3     DEVELOPED 18 OR 20, DEPENDING ON WHAT WE FINALLY GO  
4     FORWARD WITH. THOSE CAN BE EITHER TEXTUAL REPORTS,  
5     OR THEY CAN BE GRAPHICALLY DEPICTED REPORTS. WE  
6     ALSO WILL HAVE THE OPPORTUNITY TO RUN A LOT OF  
7     DIFFERENT AD HOC REPORTS AND QUERIES, AND THAT WILL  
8     JUST BE BASED ON DIFFERENT VARIOUS STAFF AND  
9     CUSTOMERS FAMILIARITY WITH THE DATABASE OR THE  
10    DATABASES AFTER THEY START USING THEM AND COMING UP  
11    WITH OTHER CREATIVE IDEAS.

12                   WE'LL BE ABLE TO AGAIN GRAPHICALLY  
13    DEPICT A LOT OF DIFFERENT INFORMATION, SUCH AS  
14    VARIOUS FACILITIES LOCATED WITHIN THE STATE, THE  
15    PERMIT STATUS OF THOSE FACILITIES, THEIR  
16    CAPACITIES, AND OTHER SUCH INFORMATION. AND AS FAR  
17    AS THE DELIVERY SYSTEM, THAT WILL BE THROUGH BOTH  
18    THE INTRANET, INTERNET SO THAT STAFF AS WELL AS OUR  
19    OUTSIDE CUSTOMERS WILL HAVE ACCESS TO THIS SYSTEM.

20                   MR. RALSTON: SOME OF THE TECHNOLOGIES  
21    THAT THE BOARD HAS CURRENTLY IN ITS TECHNICAL  
22    ENVIRONMENT ARE THE MAP OBJECTS FROM ESRI, WHICH IS  
23    A FUNCTIONAL PIECE OF SOFTWARE TO ENHANCE OUR

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24 CURRENT GIS MAPPING CAPABILITY CLIENT SERVER

25 TECHNOLOGY, WHICH ALLOWS US TO TAKE A NUMBER OF

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1 DIFFERENT DATABASES, BRING THEM IN TOGETHER, AND  
2 THEN BEGIN TO LINK THE DATA WITHIN THOSE. DATABASE  
3 ADMINISTRATION SOFTWARE, WHICH ALLOWS US TO START  
4 TO GET A GRIP ON STANDARD DEFINITIONS AND DUPLICATE  
5 TERMS. ALSO THE INTERNET AND WEB SOFTWARE THAT WE  
6 CURRENTLY HAVE HERE AT THE BOARD, AND FINALLY OUR  
7 MICROSOFT OFFICE SUITE OF TOOLS. ALL THESE WILL  
8 BE USED IN THIS PILOT PROJECT AND WILL CERTAINLY  
9 GIVE US A GOOD SENSE OF HOW OUR TECHNOLOGY IS  
10 WORKING TOGETHER IN ORDER TO SUPPORT THE  
11 INFORMATION SYSTEM.

12 MR. SCHIAVO: THE CRITICAL FACTORS FOR  
13 SUCCESS OF THE PILOT AND SUBSEQUENT PHASES OF THIS  
14 EFFORT ARE GOING TO BE, FIRST OF ALL, BASED ON YOUR  
15 APPROVAL TODAY OF OUR CONCEPT AND CONTINUED  
16 DEVELOPMENT OF IT. TWO WILL BE OUR ORGANIZATIONAL  
17 COMMITMENT TO THIS EFFORT, AND THAT'S GOING TO BE A  
18 TOP TO BOTTOM, BOTTOM TO TOP COMMITMENT BY  
19 EVERYBODY, ALL OUR STAFF, EXECUTIVE OFFICE, AS WELL  
20 AS THE BOARD MEMBERS, IN SUPPORTING THIS EFFORT,  
21 NOT ONLY TO DEVELOP IT, BUT FOR THE ONGOING  
22 MAINTENANCE. THAT'S VERY CRITICAL IN THIS EFFORT.

23 AND AGAIN, THIS IS GOING TO RELY ON A



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24 LOT OF COOPERATION AND INTEGRATION OF WHAT WE'RE  
25 DOING HERE AS FAR AS THIS IS ONLY GOING TO BE AS

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1     STRONG AS THE WEAKEST COMPONENT OF THIS EFFORT.  
2     AND AS DOUG MENTIONED EARLIER, WE HAVE THE ISSUE OF  
3     DEFINITIONS. WELL, WE'RE GOING TO HAVE TO HAVE  
4     COOPERATION AS FAR AS HOW WE LOOK AT AND DEFINE  
5     PARTICULAR ITEMS AND DATA SETS THAT WE DEAL WITH.  
6     AND AGAIN, AS I MENTIONED, THIS IS GOING TO REQUIRE  
7     BOARD SUPPORT, NOT ONLY TODAY, BUT ON AN ONGOING  
8     BASIS AS FAR AS THE ONGOING MAINTENANCE AND SUPPORT  
9     OF THIS SYSTEM.

10                     THAT CONCLUDES THE PRESENTATION.

11                     CHAIRMAN PENNINGTON: QUESTIONS OF STAFF?

12                     BOARD MEMBER RELIS: MR. CHAIR, FIRST I  
13     WANT TO WHOLEHEARTEDLY ENDORSE THIS DIRECTION. I  
14     MEAN I THINK WE'VE BEEN LABORING WITHOUT THIS TYPE  
15     OF INFORMATION FOR MANY YEARS AS WE MOVE INTO THE  
16     BIENNIAL REPORTS AND THE CLOSURE, THE CLOSURE PHASE  
17     ON PERFORMANCE ON 939. THIS INFORMATION COULD BE  
18     AMONG THE MOST CRITICAL TO SUCCESSFULLY HELPING  
19     PLAY OUR FACILITATION ROLE WITH LOCAL GOVERNMENTS.

20                     WE WOULD BE ABLE TO, I ASSUME FROM  
21     THIS, IDENTIFY IN A JURISDICTION, SAY, THAT IS  
22     HAVING SOME DIFFICULTY, WELL, HERE ARE FACILITIES  
23     WITHIN X DISTANCE OF YOU, HERE ARE MARKETS, HERE

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24 ARE OPPORTUNITIES FROM GENERATORS OF WASTE THAT  
25 COULD BE IDENTIFIED FOR A WASTE REDUCTION. I MEAN

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1 IT'S A POWERFUL TOOL.

2 I WOULD ONLY CAUTION THAT STAFF MAKE  
3 EVERY EFFORT TO WHERE YOU MAKE THOSE JUDGMENTS  
4 CALLS CAREFULLY ON WHETHER SOMETHING IS USEFUL OR  
5 NOT AND BECAUSE I THINK THE DATA MANAGEMENT GAME, I  
6 MEAN AT LEAST I'VE BEEN SITTING HERE, WESLEY, WE'VE  
7 BEEN WATCHING DEVELOPMENT OF DATA FOR SIX -- ME  
8 SIX, WESLEY SEVEN YEARS, AND I HAD ANTICIPATED  
9 SOMETHING LIKE THIS MANY YEARS AGO. IT HASN'T COME  
10 TO FRUITION YET. I DON'T KNOW WHY, ALL THE  
11 TECHNICAL REASONS AND OTHERWISE, BUT IT'S A VERY  
12 CHALLENGING UNDERTAKING, BUT PLEASE DON'T MAKE IT  
13 OVERLY COMPLICATED. STICK TO WHAT IS USEFUL.

14 CHAIRMAN PENNINGTON: COMMENTS?  
15 QUESTIONS?

16 BOARD MEMBER CHESBRO: I ECHO MR. RELIS'  
17 COMMENTS. I'D LIKE TO ADD, BY WAY OF COMPLIMENTS  
18 TO THE STAFF, FIRST OF ALL, THAT THIS IMPORTANT  
19 STEP IN THIS PROCESS OF BEING ACCOMPLISHED WITHIN  
20 EXISTING RESOURCES AND APPLYING THE EXISTING  
21 ORGANIZATIONAL STRUCTURE, AND THAT'S A SIGNIFICANT  
22 ACCOMPLISHMENT, BUT ALSO THE -- ONE OF THE REASONS  
23 THAT'S POSSIBLE IS BECAUSE OF INTERDIVISIONAL

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24 COOPERATION AND INTEGRATION THAT'S GOING ON.

25 SO I THINK IT HAS THOSE COMPONENTS

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1     THAT STAFF IS TO BE COMMENDED ON AS WELL, AND  
2     THAT'S WHAT'S MAKING IT POSSIBLE TO MOVE FORWARD  
3     WITH THIS BECAUSE OBVIOUSLY WE DON'T HAVE MONEY TO  
4     GO OUT AT THIS POINT AND CREATE SOMETHING BRAND  
5     NEW.  THEY'RE TRYING TO MAKE WHAT WE HAVE WORK  
6     BETTER.

7             CHAIRMAN PENNINGTON:  THANK YOU.  IF NO  
8     FURTHER QUESTIONS, I WOULD ENTERTAIN A MOTION.

9             BOARD MEMBER JONES:  MR. CHAIRMAN.

10            BOARD MEMBER GOTCH:  I'LL MOVE RESOLUTION  
11     97-494.

12            BOARD MEMBER CHESBRO:  SECOND.

13            CHAIRMAN PENNINGTON:  OKAY.  IT'S BEEN  
14     MOVED AND SECONDED?  ANY ADDITIONAL COMMENTS?  IF  
15     NOT, WILL THE SECRETARY CALL THE ROLL.

16            THE SECRETARY:  BOARD MEMBER CHESBRO.

17            BOARD MEMBER CHESBRO:  AYE.

18            THE SECRETARY:  FRAZEE.

19            BOARD MEMBER FRAZEE:  AYE.

20            THE SECRETARY:  GOTCH.

21            BOARD MEMBER GOTCH:  AYE.

22            THE SECRETARY:  JONES.

23            BOARD MEMBER JONES:  AYE.

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24 THE SECRETARY: RELIS.

25 BOARD MEMBER RELIS: AYE.

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1 THE SECRETARY: CHAIRMAN PENNINGTON.

2 CHAIRMAN PENNINGTON: AYE. MOTION

3 CARRIES.

4 WE WILL NOW RECESS FOR LUNCH AND BE  
5 BACK AT -- WHAT'S YOUR PLEASURE, 1:00 OR 1:30. ONE  
6 IS FINE. WE'LL BE BACK AT 1 O'CLOCK TO TAKE UP  
7 ITEM NO. 45.

8 (LUNCH RECESS TAKEN.)

9 CHAIRMAN PENNINGTON: OKAY. COME TO ORDER  
10 FOR THE AFTERNOON SESSION OF THE OCTOBER MEETING OF  
11 THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD.  
12 FIRST, I'D JUST LIKE TO STATE, AS I DID THIS  
13 MORNING, I AM SORT OF FIGHTING A COLD, SO IF YOU  
14 HEAR ME COUGHING AND WHEEZING, I APOLOGIZE, AND  
15 I'LL TRY TO KEEP IT DOWN.

16 ANY MEMBERS HAVE ANY EX PARTES TO  
17 REPORT FROM LUNCH? MR. CHESBRO.

18 BOARD MEMBER CHESBRO: NO.

19 BOARD MEMBER GOTCH: I HAD A BRIEF  
20 CONVERSATION WITH ASSEMBLYMEMBER DEBRA BOWEN AND  
21 KIT COLE OF HER OFFICE.

22 CHAIRMAN PENNINGTON: OKAY. THANK YOU. I  
23 DID AS WELL.



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24                   BOARD MEMBER JONES:   MR. CHAIRMAN, I HAD A  
25   BRIEF DISCUSSION WITH JOHN BENNETT AND -- I CAN'T

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1 THINK OF HIS NAME -- FROM MITSUBISHI. IT WILL COME  
2 TO ME.

3 CHAIRMAN PENNINGTON: OKAY. WELL, WE'LL  
4 MAKE IT A PART OF THE RECORD THAT SOMEBODY FROM  
5 MITSUBISHI.

6 OKAY. NOW WE'LL MOVE TO ITEM NO. 45.

7 BOARD MEMBER JONES: MR. CHAIRMAN.

8 CHAIRMAN PENNINGTON: YES, MR. STEVE  
9 JONES.

10 BOARD MEMBER JONES: THIS IS -- THIS HAS  
11 BEEN AN ITEM, ITEM 45, CONSIDERATION OF BOARD  
12 POLICY ON USING TDF, THAT HAS COME OUT OF MY  
13 COMMITTEE. I HAVE BEEN STRUGGLING WITH THE LETTERS  
14 THAT WE HAVE RECEIVED OVER THE LAST TWO WEEKS  
15 PARTLY BECAUSE I THINK THERE'S SOME MISINFORMATION  
16 THAT HAS BEEN PUT OUT THERE.

17 I FEEL COMFORTABLE THAT THE PROCESS  
18 THAT WE'VE GONE THROUGH HAS BEEN GOOD, BUT I DO  
19 WANT TO -- I WANT TO READ A STATEMENT THAT I HAVE  
20 HERE REAL QUICKLY. SOME OF THE LETTERS OF  
21 OPPOSITION AND CONCERNS THAT HAVE BEEN TRANSMITTED  
22 TO BOARD MEMBERS HAVE ASSERTED THAT THE BOARD HAS  
23 BOUGHT THE SCIENCE, WHICH IS THE BASIS FOR THE

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24 POLICY PROPOSED IN THE RESOLUTION BEFORE US TODAY.

25 I PERSONALLY REJECT THIS NOTION. THE REPORTS

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1 REFERRED TO IN THE PROPOSED RESOLUTION, NAMELY, THE  
2 DAMES & MOORE STUDY AND THE CARNOT REPORT, WERE  
3 REVIEWED BY, IN ONE CASE, THE AIR BOARD AND THE  
4 OTHER THE LOCAL AIR DISTRICT. HOWEVER, SINCE THE  
5 POLICY THAT WE ARE ABOUT TO ADOPT OR COULD ADOPT  
6 SHOULD BE VIEWED BY THE PUBLIC AS FAIR AND  
7 UNBIASED, I PROPOSE THAT WE ASK THE AIR RESOURCES  
8 BOARD TO REVIEW THE STUDIES UPON WHICH THE  
9 RESOLUTION IS BASED.

10 IN ADDITION, I PROPOSE THAT WE ALSO  
11 ASK THE AIR BOARD TO REVIEW THE SPECIFIC PORTIONS  
12 OF THE REPORT ENTITLED "DOMESTIC MARKETS FOR  
13 CALIFORNIA USED WASTE TIRES" CONCERNING THE TDF  
14 APPLICATION PREPARED BY FACULTY AT THE DAVIS CAMPUS  
15 AT THE UNIVERSITY OF CALIFORNIA.

16 THEREFORE, MR. CHAIRMAN, I REQUEST  
17 THAT WE POSTPONE ACTION ON THE PROPOSED RESOLUTION  
18 UNTIL THE JANUARY BOARD MEETING. I ASK THAT THE  
19 EXECUTIVE DIRECTOR FORMALLY REQUEST THAT THE AIR  
20 RESOURCES BOARD REVIEW THE ABOVE-NAMED REPORTS TO  
21 ENSURE THAT SOUND SCIENTIFIC METHODS WERE EMPLOYED  
22 TO REACH CONCLUSIONS THAT FORM THE BASIS FOR OUR  
23 POLICY.

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24 I BELIEVE THAT WE HAVE FOLLOWED  
25 APPROPRIATE PROCEDURES TO THE POINT THAT I FEEL

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1 COMFORTABLE ACTING ON THE PROPOSED RESOLUTION  
2 BEFORE US TODAY; BUT TO REMOVE ANY POSSIBILITY OF  
3 DOUBT THAT MAY STILL EXIST IN THE MINDS OF THE  
4 PUBLIC ABOUT THIS POLICY, I'VE CHOSEN TO RECOMMEND  
5 THIS COURSE OF ACTION.

6 BOARD MEMBER CHESBRO: MR. CHAIRMAN, I  
7 DON'T HAVE ANY PROBLEM WITH CONTINUING IT TO TRY TO  
8 COME UP WITH THE BEST INFORMATION THAT WE CAN. THE  
9 ONLY CONCERN I HAVE IS THAT WE DID NOTICE IT, AND  
10 THERE'S A NUMBER OF PEOPLE ON VARIOUS SIDES OF THIS  
11 ISSUE, INCLUDING A MEMBER OF THE LEGISLATURE, HERE,  
12 AND IT SEEMS TO ME WE OUGHT TO GIVE THOSE PEOPLE A  
13 CHANCE TO ADDRESS THE BOARD BEFORE WE MAKE THAT  
14 DECISION. OTHERWISE I HAVE NO PROBLEM WITH TAKING  
15 MORE TIME ON THIS.

16 BOARD MEMBER RELIS: MR. CHAIR, FOR  
17 PURPOSES OF MOVING THINGS ALONG, I WOULD SECOND MR.  
18 JONES' POINT. AND THEN I WOULD ASK THAT WE HAVE AN  
19 OPEN DISCUSSION BECAUSE I'D LIKE TO HEAR AND HAVE  
20 THE OPPORTUNITY TO DISCUSS WITH PUBLIC HERE THIS  
21 ISSUE AND WHAT THE CONCERNS ARE AND WHAT THE  
22 PERSPECTIVES OF THE BOARD MEMBERS ARE ON THIS.

23 CHAIRMAN PENNINGTON: OKAY. THAT'S FINE

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24 IF THAT'S THE WISHES OF THE BOARD.

25 WE HAVE A MOTION BEFORE US. IS THERE

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1 ANY FURTHER DISCUSSION ON THE MOTION? IS THERE  
2 ANYBODY IN THE AUDIENCE WHO WISHES TO ADDRESS THE  
3 MOTION TO PUT THIS OFF UNTIL THE FIRST OF THE YEAR  
4 AND SEND THE STUDIES TO A PEER REVIEW BY THE AIR  
5 RESOURCES BOARD? THAT'S NOT SAYING THAT IF YOU  
6 WANT TO TALK ABOUT THE POLICY ITSELF, WE CAN  
7 DISCUSS THAT, BUT I JUST WANT TO MAKE SURE THERE  
8 ISN'T ANYBODY WHO WISHES TO ADDRESS THE MOTION  
9 THAT'S BEFORE THE BOARD NOW. NOT SEEING ANY --

10 BOARD MEMBER CHESBRO: BEFORE YOU CALL FOR  
11 THE VOTE, MR. CHAIRMAN, WE HAD SEVERAL BOARD  
12 MEMBERS COMMENT THAT, YES, WE'RE GOING TO HEAR THE  
13 DISCUSSION. IS THERE A CONCURRENCE THAT THAT'S THE  
14 RIGHT APPROACH?

15 CHAIRMAN PENNINGTON: I THINK THAT'S FINE  
16 IF THAT'S WHAT EVERYBODY WANTS TO DO. YOU KNOW,  
17 IT'S -- THE PROBLEM IS THAT WE HAVEN'T -- WE HAVE  
18 THAT ONE SEGMENT THAT WE DON'T HAVE BEFORE US  
19 TODAY, BUT CERTAINLY THESE PEOPLE HAVE COME A LONG  
20 WAY AND CERTAINLY NICE TO HAVE MS. BOWEN HERE WITH  
21 US, AND SO BE HAPPY TO HEAR FROM THEM.

22 IF THERE'S NO FURTHER DISCUSSION ON  
23 THIS MOTION, WILL THE SECRETARY CALL THE ROLL,



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24 PLEASE.

25 THE SECRETARY: WAS THERE A SECOND?

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1 CHAIRMAN PENNINGTON: YES, MR. RELIS.

2 THE SECRETARY: BOARD MEMBER CHESBRO.

3 BOARD MEMBER CHESBRO: AYE.

4 THE SECRETARY: FRAZEE.

5 BOARD MEMBER FRAZEE: AYE.

6 THE SECRETARY: GOTCH.

7 BOARD MEMBER GOTCH: AYE.

8 THE SECRETARY: JONES.

9 BOARD MEMBER JONES: AYE.

10 THE SECRETARY: RELIS.

11 BOARD MEMBER RELIS: AYE.

12 THE SECRETARY: CHAIRMAN PENNINGTON.

13 CHAIRMAN PENNINGTON: AYE. MOTION

14 CARRIES. DO WE NEED SOMETHING FROM STAFF?

15 MS. TRGOVCICH: WE COULD PROVIDE YOU, AND

16 I DON'T KNOW IF IT'S NECESSARY, WITH INFORMATION

17 PERTAINING TO EITHER ONE OF THE RESULTS OF THE TWO

18 STUDIES, THE DAMES & MOORE STUDY, WHICH COVERED 28

19 FACILITIES, 15 OF WHICH WERE CEMENT KILNS, OR THE

20 CARNOT REPORT, WHICH LOOKED SPECIFICALLY AT A COAL-

21 FIRED COGEN FACILITY IN THE SAN JOAQUIN UNIFIED

22 AQMD. WE COULD DISCUSS SOME OF THE HIGH POINTS OF

23 THOSE IF YOU WOULD LIKE. WE COULD SUMMARIZE WHAT

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24 THE PROPOSED POLICY IS, ALTHOUGH THAT DOES NOT  
25 APPEAR APPROPRIATE SINCE WE ARE NOT FOCUSING ON

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1     THAT AT THIS TIME, SO I WOULD LEAVE IT UP TO YOU.

2                   BOARD MEMBER RELIS:  MR. CHAIR, IF I  
3     COULD, I'D LIKE TO JUST, IF NO ONE ELSE WANTS TO  
4     LEAD OFF, SAY A FEW WORDS ABOUT WHAT I'VE BEEN  
5     THINKING ABOUT REGARDING THIS POLICY.  I THINK THAT  
6     I'VE BEEN ON THE BOARD SIX YEARS, WESLEY HAS BEEN  
7     ON LONGER THAN I BY A YEAR.  WE'VE BEEN TRYING TO  
8     DEAL WITH THIS TIRE PROBLEM FOR THAT ENTIRE  
9     PERIOD.

10                   WE HAVE LEGISLATION.  WE HAVE A LAW  
11    THAT GIVES THIS BOARD 25 CENTS A TIRE TO COME UP  
12    WITH A PROGRAM TO BOTH ENFORCE THE PROBLEMS WITH  
13    EXISTING TIRE PILES, AS WELL AS TO TRY AND COME UP  
14    WITH ALTERNATIVE USES FOR THESE TIRES.  THE BOARD  
15    DID AN EXTENSIVE GRANT MAKING EFFORT OVER FIVE  
16    YEARS, I BELIEVE.  WE PROBABLY AWARDED GRANTS TO  
17    LITERALLY CLOSE TO A HUNDRED ENTITIES DURING THAT  
18    TIME.  IT MIGHT HAVE EVEN BEEN MORE.  FROM  
19    EVERYTHING FROM MAKING HOUSES, EARTHSHIP HOUSES,  
20    WITH TIRES TO RUBBERIZED ASPHALT AND MATS TO --  
21    LATELY WE FOCUSED OUR ACTIVITIES MORE IN THE WAY OF  
22    LOOKING AT CRUMB RUBBER FOR ROAD CONSTRUCTION IN A  
23    CONTRACT WITH THE COUNTY OF L.A., AND WITH THE MAT

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24     PROGRAM TO PRODUCE MATS FROM TIRES.

25                               THE ISSUE AND THE STRUGGLE THAT I

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1 THINK WE HAVE IS THAT WE GENERATE ABOUT 14 MILLION  
2 MORE TIRES PER YEAR THAN WE STILL HAVE A MARKET  
3 FOR. AND SO THESE PILES ARE ACTUALLY, IF NOT  
4 INCREASING, THEY'RE NOT GOING DOWN. THEY'RE ALL  
5 OVER THE STATE. AND THEY REPRESENT A SERIOUS  
6 PUBLIC HEALTH AND SAFETY ISSUE. ONCE THEY START  
7 BURNING, THEY POTENTIALLY FORM TOXIC CLOUDS OF  
8 SMOKE. AND IN THE DOUSING OF THESE FIRES, THEY CAN  
9 CONTAMINATE THE WATER, ANY SURFACE WATERS AND ANY  
10 GROUNDWATER.

11 SO THE DILEMMA IS WE'RE CHARGED WITH  
12 DEALING -- THIS BOARD IS CHARGED WITH DEALING WITH  
13 THIS ISSUE. WE HAVE LIMITED TOOLS TO DO THAT  
14 WITH. WE HAVE A VERY LIMITED AMOUNT OF MONEY, AND  
15 WE HAVE BEEN TRYING EVEN OF LATE TO LOOK AT  
16 REINFORCING OUR STATE LEVEE SYSTEM WITH TIRES GOING  
17 IN WITH CONCRETE TO FORM A DAM. THAT'S ANOTHER WAY  
18 WE'RE LOOKING AT MARKETS.

19 SO I HOPE YOU WILL AT LEAST IN THE  
20 COMMENTS, AND I UNDERSTAND YOUR DEEP CONCERNS ABOUT  
21 COMBUSTION AND INCINERATION, BUT WE'RE ALSO LOOKING  
22 AT IT AS, RELATIVELY SPEAKING, LOOKING AT THE RISK  
23 AS IT CURRENTLY EXISTS. WHAT IF THESE TIRES BURN

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24 IN PLACE? WHAT ARE THE IMPLICATIONS FOR HEALTH AND  
25 SAFETY? AND WHAT ARE THE RESPONSIBILITIES OF THIS

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1 BOARD IN TRYING TO LIMIT THAT RISK?

2 SO I WOULD JUST LIKE TO OFFER THOSE  
3 COMMENTS NOW AS A WAY OF ENTERING INTO THIS  
4 DISCUSSION TODAY.

5 CHAIRMAN PENNINGTON: THANK YOU, MR.  
6 RELIS. ANYBODY ELSE HAVE ANY STATEMENT THAT THEY'D  
7 LIKE TO MAKE NOW?

8 BOARD MEMBER GOTCH: I'D LIKE TO HEAR  
9 PUBLIC TESTIMONY.

10 CHAIRMAN PENNINGTON: I'M READY TO DO  
11 THAT. WE DO HAVE WITH US THIS AFTERNOON MS. DEBRA  
12 BOWEN, WHO'S CHAIR OF THE ASSEMBLY NATURAL  
13 RESOURCES COMMITTEE. WOULD YOU LIKE TO.

14 MS. BOWEN: THANK YOU. I AM DEBRA BOWEN,  
15 CHAIR OF THE NATURAL RESOURCES COMMITTEE. IT'S A  
16 PLEASURE TO BE HERE THIS AFTERNOON. AND I REALLY  
17 THINK THAT I WILL CONSTRAIN MY POLICY REMARKS TO  
18 WHEN WE HAVE A CONCRETE PROPOSAL BEFORE THE BOARD.  
19 NO PUN INTENDED.

20 BUT I DO WANT TO CLARIFY ONE THING,  
21 WHICH IS THAT BECAUSE I THINK, LIKE MR. JONES, SOME  
22 OF THE THINGS THAT I'VE SAID HAVE BEEN TAKEN A BIT  
23 OUT OF CONTEXT. SO I JUST WANT TO CLARIFY THAT IN



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24 MY VIEW THE BURNING OF TIRES IS NOT THE HIGHEST AND  
25 BEST USE, AND THAT I DO NOT SUPPORT ANY POLICY THAT

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1     SETS TIRE BURNING AS THE HIGHEST AND BEST USE UNDER  
2     CALIFORNIA'S CURRENT LEGAL SCHEME.   AND I WILL SEE  
3     YOU WITH THAT AGAIN IN JANUARY.   THANK YOU.

4                 CHAIRMAN PENNINGTON:   THANK YOU.   OKAY.  
5     LET'S TAKE MS. PEESAPATI.

6                 MS. PEESAPATI:   GOOD AFTERNOON.   MY NAME  
7     IS SUMA PEESAPATI, AND I WORK WITH COMMUNITIES FOR  
8     A BETTER ENVIRONMENT.   CBE IS A NONPROFIT  
9     ORGANIZATION.   WE DEAL WITH ENVIRONMENTAL JUSTICE  
10    ISSUES, AND WE HAVE OVER 10,000 MEMBERS THROUGHOUT  
11    CALIFORNIA.   I'M HERE TODAY ON BEHALF OF OUR  
12    MEMBERS TO VOICE OUR OPPOSITION TO RESOLUTION  
13    97-425.

14                ALTHOUGH ECONOMIC INCENTIVES TO BURN  
15    TIRES MAY BE GREAT FOR THE CEMENT INDUSTRIES AND  
16    COGENERATION INDUSTRY, THE ECONOMICS HERE SIMPLY DO  
17    NOT ACCOUNT FOR THE ADVERSE ENVIRONMENTAL AND  
18    HEALTH IMPACT OF THIS RESOLUTION.

19                TIRE BURNING IS NOT A CLEAN PROCESS.  
20    IN OCTOBER OF 1996, THIS BOARD COMMISSIONED A STUDY  
21    FROM UC DAVIS WHICH WAS SUBSEQUENTLY REJECTED  
22    BECAUSE THE RESULTS WERE TOO NEGATIVE.   IGNORING  
23    THE FACTS DO NOT MAKE THEM GO AWAY.

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24                                   LET ME QUOTE FROM THE STUDY:   AFTER  
25   CONDUCTING TESTS OF FOUR CEMENT KILNS IN

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1 CALIFORNIA, THIS REPORT FOUND THAT DIOXINS AND  
2 FURANS SHOWED INCREASES OF BETWEEN 53 PERCENT AND  
3 100 PERCENT IN FLOOR TESTS. POLYCYCLIC AROMATIC  
4 HYDROCARBONS SHOWED INCREASES IN THREE TESTS BY 296  
5 PERCENT AND 2,230 PERCENT. NITROGEN OXIDE  
6 EMISSIONS INCREASED BY OVER 10 PERCENT IN ONE TEST.  
7 SULFUR OXIDES INCREASED BY OVER 7 PERCENT IN ONE  
8 TEST, LEAD EMISSIONS INCREASED IN THREE TESTS  
9 BETWEEN 59 PERCENT AND 475 PERCENT, AND HEXAVALENT  
10 CHROMIUM INCREASED IN ONE TEST 727 PERCENT. OF  
11 COURSE, THESE NUMBERS TRANSLATE INTO SIGNIFICANT  
12 HEALTH IMPACTS.

13 AGAIN, I QUOTE FROM THE UC DAVIS  
14 STUDY, WHICH REPORTS: IN THE MOST THOROUGH  
15 ASSESSMENT OF THE HAZARDS OF DIOXIN YET UNDERTAKEN,  
16 THE U.S. EPA SCIENTIFIC ADVISORY PANEL CONCLUDED  
17 THAT DIOXINS ARE MORE DANGEROUS THAN PREVIOUSLY  
18 BELIEVED AND POSE NOT ONLY A RISK OF CANCER, BUT  
19 ALSO A RISK OF DISRUPTING REPRODUCTIVE PROCESSES.

20 THEIR RESTATEMENT ISSUED BY AN  
21 INTERNATIONAL GROUP OF SCIENTISTS IN NOVEMBER 1995  
22 FURTHER WARNS OF THE SERIOUS THREAT POSED BY  
23 CHEMICALS THAT DISRUPT HUMAN HORMONE SYSTEMS. THE

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24 STATEMENT SAYS THAT RESEARCH SINCE 1991 HAS  
25 REINFORCED THESE CONCERNS AND THAT NEW EVIDENCE IS

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1 ESPECIALLY WORRISOME BECAUSE IT UNDERSCORES THE  
2 EXQUISITE SENSITIVITY OF THE DEVELOPING NERVOUS  
3 SYSTEM TO CHEMICAL PERTURBATIONS.

4 FURTHERMORE, ACCORDING TO THEIR  
5 RESTATEMENT, THESE CHEMICAL CHANGES CAN UNDERMINE  
6 NEUROLOGICAL AND BEHAVIORAL DEVELOPMENT OF FETUSES  
7 AND INFANTS, WHICH COULD CAUSE REDUCED INTELLECTUAL  
8 CAPACITY AND SOCIAL ADAPTABILITY AND IMPAIRED  
9 RESPONSIVENESS TO ENVIRONMENTAL DEMANDS OR A  
10 VARIETY OF OTHER FUNCTIONAL PROBLEMS.

11 COMPOUNDING THAT THREAT, IT  
12 CONTINUES, IS THE FACT THAT MANY HORMONE DISRUPTING  
13 CONTAMINANTS, EVEN IF LESS POTENT THAN NATURAL  
14 PRODUCTS, OCCUR IN LIVING TISSUE AT CONCENTRATIONS  
15 AT MILLIONS OF TIMES HIGHER THAN NATURAL HORMONES,  
16 AND THAT HUMANS AND WILDLIFE EXHIBIT ADVERSE HEALTH  
17 EFFECTS AT EXISTING ENVIRONMENTAL CONCENTRATIONS OF  
18 SYNTHETIC CHEMICALS THAT ACT AS HORMONE DISRUPTERS.  
19 THUS, EVIDENCE EXISTS THAT DIOXINS, FURANS, PCB'S  
20 DISRUPT HORMONE SYSTEMS AT EXTREMELY LOW LEVELS,  
21 LEVELS THAT ARE FOUND IN HUMAN TISSUE.

22 FURTHERMORE, IT IS BELIEVED THAT  
23 THERE IS NO SAFE THRESHOLD BELOW WHICH DISRUPTION

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24 OF THE HORMONE SYSTEM DOES NOT OCCUR.

25 SEVERAL RECENT STUDIES HAVE ALSO

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1 SHOWN THAT CHILDREN EXPOSED TO RELATIVELY LOW  
2 LEVELS OF PCB'S VIA THEIR MOTHER'S DIET EXHIBITED  
3 IMPAIRMENT OF NEUROLOGICAL AND MENTAL FUNCTIONING  
4 THAT WAS CORRELATED WITH THE LEVEL OF EXPOSURE.  
5 THIS IMPAIRMENT OCCURRED EVEN THOUGH THE MOTHER'S  
6 PCB LEVELS WERE WITHIN NORMAL RANGE. THIS CAN BE  
7 FOUND ON SECTION 22, PAGE 48 OF THE REPORT WHICH I  
8 SUBMITTED TO THE ADMINISTRATIVE RECORD.

9 LET ME ALSO NOTE THAT THERE ARE  
10 ALTERNATIVES TO INCINERATION. SCRAP TIRES CAN BE  
11 CRUMBED AND BLENDED WITH CONCRETE TO PRODUCE  
12 VARIOUS TYPES OF BUILDING MATERIALS FOR ROADS AND  
13 BRIDGES, AND RETREADING IS ALSO A VIABLE  
14 ALTERNATIVE.

15 IN SUM, THE ENVIRONMENTAL AND HEALTH  
16 IMPACTS ASSOCIATED WITH TIRE BURNING OUTWEIGH ANY  
17 POTENTIAL ECONOMIC BENEFIT. CBE ASKS THIS BOARD TO  
18 CONSIDER THE TRUE COSTS OF THIS RESOLUTION AND TO  
19 REJECT IT. THANK YOU.

20 CHAIRMAN PENNINGTON: THANK YOU. ANY  
21 QUESTIONS?

22 BOARD MEMBER JONES: I HAVE ONE QUESTION.  
23 YOU SAY, YOU KNOW, THAT THE ECONOMIC ISSUES -- I



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24 THINK WHAT WE'RE LOOKING AT -- WE UNDERSTAND RAC.

25 WE'VE SPENT ABOUT \$3 MILLION ON RUBBERIZED ASPHALT

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1     IN THE LAST THREE YEARS TRYING TO PROMOTE IT. BUT  
2     I DON'T KNOW HOW -- I'D LIKE YOU TO PUT THIS IN  
3     CONTEXT. WE'VE HAD THREE TIRE FIRES IN THE STATE  
4     OF CALIFORNIA THIS YEAR. THREE TIRE FIRES THAT  
5     WERE -- THEY WERE PILES THAT GOT -- TWO OF THEM  
6     MYSTERIOUSLY CAUGHT ON FIRE WHEN WE TRIED TO -- I  
7     DON'T WANT TO MISSTATE THAT. I DON'T KNOW IF IT  
8     WAS ONE, TWO, OR WHAT IT WAS, BUT WHEN WE STARTED  
9     AN ENFORCEMENT ACTION, THE TIRES CAUGHT ON FIRE  
10    VERY SHORTLY AFTERWARDS. ANOTHER ONE MAY HAVE BEEN  
11    LIGHTNING, MAY HAVE BEEN A FIRE, WHATEVER.

12                   THOSE TIRES BURNED FOR THREE WEEKS  
13    UNCONTROLLED IN A PILE. IS THAT BETTER THAN DOING  
14    RUBBERIZED ASPHALT, RETREADING, CRUMB RUBBER  
15    PRODUCTS, CIVIL ENGINEERING, AND TDF FUEL WHERE  
16    IT'S MANAGED BECAUSE THAT'S THE DILEMMA THAT WE'RE  
17    WITH. YOU KNOW, WE SPENT \$2.19 MILLION OR \$2.019  
18    MILLION LAST YEAR OR THIS YEAR IN MARKET  
19    DEVELOPMENT IN CRUMB RUBBER AND THOSE TYPES OF  
20    THINGS. WE SPENT \$50,000 IN TESTING TO MAKE SURE  
21    THAT WHEN TDF WAS USED AS A FUEL SUPPLEMENT, 10  
22    PERCENT OR 15 PERCENT OF AN ENTIRE FUEL SYSTEM, WE  
23    SPENT 50,000 THERE. WE SPENT TWO MILLION NINETEEN

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24 THOUSAND ON ALL THE OTHER PRODUCTS. THE OTHER  
25 PRODUCTS TOOK CARE OF ABOUT TWO MILLION TIRES. SO

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1 WE DIDN'T MAKE A BIG DENT.

2 MY CONCERN, I THINK THE CONCERN OF  
3 THE BOARD MEMBERS ARE HOW DO WE MANAGE TIRE FIRES  
4 IN PILES? HOW DO WE GET RID OF THOSE TIRE FIRES IF  
5 WE DON'T TRY TO DO IT IN A MANAGED MANNER? YOU SAY  
6 IT'S ECONOMIC BENEFIT TO CEMENT KILNS. I HAVE TO  
7 TELL YOU THE TRUTH, THE WAY I COME FROM, AND I COME  
8 FROM BUSINESS, I DON'T REALLY CARE IF THEY MAKE  
9 MONEY OR DON'T MAKE MONEY ON THE TIRES AS LONG AS  
10 WE GET RID OF THE TIRES, YOU KNOW. IF THE CRUMB  
11 RUBBER PEOPLE MAKE NOTHING BUT MONEY DOING RAC, I  
12 DON'T HAVE A PROBLEM WITH THAT.

13 MY CONCERN IS THAT THE ENVIRONMENTAL  
14 DISASTER WHEN WE HAVE A TIRE FIRE THAT MELTS  
15 THROUGH THE PYROLYSIS AND CONTAMINATES GROUNDWATER,  
16 CONTAMINATES THE GROUND, AND PUTS OUT TOXICS INTO  
17 THE AIR FROM UP TO THREE, FOUR MONTHS. THE ONE IN  
18 PENNSYLVANIA LASTED FOR, WHAT, THREE YEARS. THAT'S  
19 THE DILEMMA THAT WE HAVE. AND SO, YOU KNOW, I ASK  
20 THE QUESTION -- I'M NOT TRYING TO SET YOU UP -- BUT  
21 WHEN YOU TELL THIS BOARD THERE ARE OTHER METHODS,  
22 INCLUDING RUBBERIZED ASPHALT, I FEEL THAT WE  
23 HAVEN'T DONE A GOOD ENOUGH JOB OF MAKING THE PUBLIC

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24 UNDERSTAND TO THE EXTENT THAT WE ARE TRYING TO

25 PROMOTE NOT ONLY TECHNOLOGY, BUT MARKETS TO CONSUME

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1 THOSE TIRES.

2 MS. PEESAPATI: WELL, ADDRESSING THE  
3 ALTERNATIVES ISSUE, I THINK THAT THERE'S GOING TO  
4 BE A STATEMENT HERE FROM A RECYCLING -- A RUBBER  
5 RECYCLING ORGANIZATION THAT WILL PROBABLY BE ABLE  
6 TO ADDRESS THAT ISSUE BETTER. BUT AS FAR AS THE  
7 STOCKPILES, I THINK WE'RE TALKING ABOUT TWO  
8 DIFFERENT ISSUES. YOU'RE TALKING ABOUT A SHORT-  
9 TERM GOAL, AND I'M TALKING ABOUT A LONG-TERM GOAL.  
10 YOU ARE TRYING TO DEAL WITH THE SHORT-TERM ISSUE OF  
11 GETTING RID OF THE PILES OF TIRES; WHEREAS, I'M  
12 TALKING ABOUT LONG-TERM HEALTH EFFECTS TO THE  
13 RESIDENTS OF THE STATE.

14 BOARD MEMBER JONES: I UNDERSTAND THAT,  
15 BUT WHAT ARE THE LONG-TERM HEALTH EFFECTS TO THE  
16 RESIDENTS OF A STATE WHEN A TIRE PILE THAT HAS BEEN  
17 THERE 25 YEARS CATCHES ON FIRE? IS IT MINIMIZED?

18 MS. PEESAPATI: WELL, I THINK THAT WITH  
19 MORE RESEARCH AND MORE INVESTMENT IN ALTERNATIVES,  
20 THAT THE PILES WOULD NOT EXIST IN THE FUTURE.

21 BOARD MEMBER JONES: AND I AGREE. BELIEVE  
22 ME, IF WE COULD DO RUBBERIZED ASPHALT THROUGHOUT  
23 THIS WHOLE STATE, I'D BE THE HAPPIEST PERSON HERE

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24     AND I THINK EVERYBODY ELSE WOULD.   BUT WE'RE NOT  
25     THERE YET, SO WE ARE LOOKING AT A SHORT TERM, BUT

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1 WE'RE LOOKING AT IT NOT IN THE CONTEXT OF  
2 ECONOMICAL VIABILITY, BUT IN THE CONTEXT OF HOW TO  
3 MINIMIZE THE ENVIRONMENTAL IMPACT, THE POTENTIAL  
4 DISASTER TO THE ENVIRONMENT THAT WE'RE FACED WITH  
5 EVERY DAY THAT THESE PILES ARE OUT THERE AND THAT  
6 EXIST, AS ARE ALL THE RESIDENTS OF THE STATE OF  
7 CALIFORNIA.

8 MS. PEESAPATI: YOU ARE CHOOSING -- YOU  
9 ARE MAKING ME CHOOSE BETWEEN TWO EVILS.

10 BOARD MEMBER JONES: EXACTLY. YOU GOT THE  
11 POINT. THAT'S EXACTLY THE POINT I WANTED TO GET  
12 ACROSS BECAUSE THAT'S WHAT WE ARE FACED WITH.  
13 THAT'S EXACTLY WHAT WE ARE FACED WITH. AND WHAT  
14 WE'RE LOOKING AT ARE ISSUES OF DOES THE TECHNOLOGY  
15 FALL WITHIN THE STANDARDS AT A PLANT? OUR POLICY  
16 IS NOT A POLICY STATEWIDE THAT SAYS OR OUR PROPOSED  
17 POLICY THAT SAYS EVERY CEMENT KILN OR EVERY COAL  
18 COGEN PLANT BURN TIRES. THAT'S NOT OUR POLICY.

19 OUR POLICY IS VERY SPECIFIC. IT  
20 SAYS, IF YOU AS A FACILITY OPERATOR WANT --  
21 DECIDE ON YOUR OWN THAT YOU WANT TO USE TIRES AS A  
22 FUEL SUPPLEMENT, AND YOU PASS THE TESTING AND YOU  
23 ARE WITHIN THE STANDARDS THAT HAVE BEEN ESTABLISHED



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24 FOR THAT AREA, THEN WE ENDORSE IT BECAUSE IT'S

25 GOING TO GET RID OF TIRE PILES THAT OTHERWISE WOULD

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1 BE UNMANAGED.

2 MS. PEESAPATI: BUT AT WHAT COST TO HUMAN  
3 HEALTH?

4 BOARD MEMBER JONES: THAT'S WHAT I'M  
5 ASKING. I'M ASKING YOU TO BALANCE BETWEEN THE TWO  
6 OF THEM, MANAGED -- I AGREE WITH DEBRA BOWEN. I  
7 DON'T THINK THAT THIS IS -- GOES TO THE TOP OF THE  
8 HIERARCHY, BUT I DO THINK THAT IT GOES TO THE TOP  
9 OF GETTING RID OF THE PROBLEM. AND THE PROBLEM IS  
10 THOSE EXISTING TIRE PILES. AND THAT IS THE KEY TO  
11 THE THING. DO YOU DO IT IN A MANAGED WAY WHERE  
12 THERE ARE CONTROLS? EVERYTHING ISN'T PERFECT, YOU  
13 KNOW WHAT I MEAN. EVERYTHING IS NOT PERFECT, JUST  
14 LIKE THE CAR THAT GOT YOU HERE. BUT EVERYONE --  
15 YOU KNOW, THE CAR THAT GOT YOU HERE, FORGET ABOUT  
16 THE POLLUTION IT DOES, IT'S GOING TO GENERATE FIVE  
17 WASTE TIRES THAT WE'RE GOING TO HAVE TO FIGURE OUT  
18 A WAY TO DEAL WITH. THAT'S, YOU KNOW, THAT'S THE  
19 HARD ISSUE AND IT IS TOUGH.

20 HOW DO YOU CHOOSE BETWEEN ONE AND THE  
21 OTHER? YOU KNOW, OUR JOB ISN'T TO ASSIST RISK.  
22 IT'S TO MAKE DECISIONS BASED ON ACCEPTABLE LEVELS  
23 OF RISK.

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24 MS. PEESAPATI: RIGHT. AND I DON'T  
25 BELIEVE THAT INCINERATION IS AN ACCEPTABLE RISK.

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1 BOARD MEMBER JONES: OKAY. THAT WORKS.

2 CHAIRMAN PENNINGTON: ANY OTHER  
3 QUESTIONS? OKAY. ENRIQUE GALLARDO.

4 MR. GALLARDO: GOOD AFTERNOON. MY NAME IS  
5 ENRIQUE GALLARDO, AND I WORK WITH THE CENTER ON  
6 RACE, POVERTY, AND THE ENVIRONMENT. I WOULD LIKE  
7 TO VOICE OUR ORGANIZATION'S OPPOSITION AGAINST  
8 CERTIFICATION OF 97-425.

9 THE CENTER ON RACE, POVERTY, AND THE  
10 ENVIRONMENT HAS ACTIVELY OPPOSED THE BURNING OF  
11 TIRES IN CEMENT KILNS, INCINERATORS, AND  
12 COGENERATION PLANTS. BURNING TIRES IS A PUBLIC  
13 HEALTH RISK BECAUSE OF THE DANGEROUS LEVEL OF TOXIC  
14 EMISSIONS. THESE EMISSIONS INCLUDE DIOXIN, WHICH  
15 IS A KNOWN CARCINOGEN. THE EMISSIONS ARE A DANGER  
16 TO THE HEALTH OF ALL CALIFORNIANS, BUT ARE  
17 ESPECIALLY DANGEROUS TO THE COMMUNITIES IN CLOSE  
18 PROXIMITY TO THE SOURCE OF EMISSIONS.

19 THE CENTER ON RACE, POVERTY, AND  
20 ENVIRONMENT HAS WORKED WITH VARIOUS COMMUNITIES  
21 FIGHTING THE CONTAMINATION OF THEIR ENVIRONMENT  
22 FROM THE BURNING OF TIRES.

23 AS I'M SURE OTHERS WILL DETAIL THE

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24 HEALTH RISKS OF TIRE BURNING AND THEY WILL PROVIDE  
25 THE SCIENTIFIC BASIS DEMONSTRATING THESE RISKS,

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1 I'LL INSTEAD FOCUS ON AND SUMMARIZE SOME OF THE  
2 EVENTS WHICH HAVE BROUGHT US TO THIS POINT,  
3 RESOLUTION 97-425.

4 THE RECURRING THEME OF ALL THESE  
5 EVENTS HAS BEEN THE CEMENT INDUSTRY'S ATTEMPTS TO  
6 AVOID FACING AND REVEALING THE ENVIRONMENTAL AND  
7 HEALTH CONSEQUENCES OF BURNING TIRES. AND  
8 RESOLUTION 97-425 REPRESENTS THE LATEST ATTEMPT BY  
9 THE CEMENT INDUSTRY TO AVOID ENVIRONMENTAL REVIEW.

10 THE CEMENT INDUSTRY FIRST ATTEMPTED  
11 TO BURN TIRES IN CEMENT KILNS WITHOUT CONDUCTING  
12 ENVIRONMENTAL REVIEW ACTIVITIES AS REQUIRED BY THE  
13 CALIFORNIA ENVIRONMENTAL QUALITY ACT OR CEQA.  
14 LOCAL COMMUNITIES SUCH AS DAVENPORT IN SANTA CRUZ  
15 COUNTY, CUPERTINO IN SANTA CLARA COUNTY, AND MOJAVE  
16 IN KERN COUNTY OPPOSE TIRE BURNING WITHOUT  
17 ENVIRONMENTAL REVIEW.

18 IN THEIR STRUGGLE AGAINST TOXIC  
19 CONTAMINATION, THESE COMMUNITIES TURNED TO THE  
20 COURTS. THE COURTS REJECTED THE ARGUMENTS OF THE  
21 CEMENT INDUSTRY AND REQUIRED ENVIRONMENTAL REVIEW  
22 FOR TIRE BURNING PROJECTS. IT IS UNDERSTANDABLE  
23 WHY THE CEMENT INDUSTRY DID NOT WANT FULL

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24 ENVIRONMENTAL REVIEW OF TIRE BURNING PROJECTS FOR  
25 THIS WOULD REVEAL SIGNIFICANT TOXIC EMISSIONS AND

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1 THE HEALTH RISKS FROM TIRE BURNING.

2 DEFEATED IN THE COURTS, THE CEMENT  
3 INDUSTRY NEXT TURNED TO LEGISLATURE FOR HELP IN THE  
4 FORM OF ASSEMBLY BILL 375. AB 375 INCLUDED  
5 INCENTIVES FOR THE BURNING OF TIRES AND WOULD HAVE  
6 ESTABLISHED CALIFORNIA POLICY AS BEING IN FAVOR AS  
7 USING TIRES FOR FUEL. WITH SUCH PRONOUNCEMENT OF  
8 CALIFORNIA POLICY, THE CEMENT INDUSTRY WOULD HAVE  
9 HAD A MUCH EASIER TIME OF AVOIDING ENVIRONMENTAL  
10 REVIEW FOR TIRE BURNING PROJECTS. HOWEVER, THE  
11 ASSEMBLY SAW THROUGH THE CEMENT INDUSTRY'S PLOY AND  
12 REJECTED THE MEASURE BY A TWO-TO-ONE MARGIN.

13 REJECTED BY COMMUNITIES, BY THE  
14 COURTS, AND BY THE LEGISLATURE, THE CEMENT INDUSTRY  
15 THEN CAME HERE. RESOLUTION 97-425 REPRESENTS THIS  
16 THE NEXT ATTEMPT. THE CALIFORNIA INTEGRATED WASTE  
17 MANAGEMENT BOARD CONTRACTED WITH PROFESSORS FROM  
18 THE UNIVERSITY OF CALIFORNIA AT DAVIS TO STUDY THE  
19 PROBLEM OF WASTE TIRES. THIS REPORT HAS BEEN  
20 MENTIONED BEFORE, "DOMESTIC MARKETS FOR  
21 CALIFORNIA'S USED AND WASTE TIRES."

22 AND I'D LIKE TO DETAIL A LITTLE BIT  
23 OF INFORMATION IN THERE.



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24 THE REPORT STATED THAT RESULTS FROM  
25 TESTS AT CALIFORNIA CEMENT KILNS WHICH USE TIRES AS

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1     ONLY A SMALL PERCENTAGE OF TOTAL FUEL SHOWED  
2     INCREASES OF UP TO 100 PERCENT IN DIOXINS AND  
3     FURANS, TWO KNOWN CARCINOGENS.  OTHER TOXIC  
4     EMISSIONS ALSO INCREASED.

5                     THE INVESTIGATORS STATED THAT  
6     OPPOSITION TO BURNING TIRES IN CEMENT KILNS IS  
7     BASED ON SOUND SCIENTIFIC INFORMATION.  THE REPORT  
8     ALSO DETAILED UNCERTAINTIES IN THE RISK ASSESSMENT  
9     PRESENTED IN SUPPORT OF TIRE BURNING.

10                    FINALLY, THE UC DAVIS REPORT  
11    RECOMMENDED A VARIETY OF MEASURES TO COME UP WITH  
12    ALTERNATIVES IN TERMS OF RECYCLING THE TIRES.  
13    HOWEVER, THIS BOARD REFUSED TO ACCEPT THE UC DAVIS  
14    REPORT, ALTHOUGH IT WAS COMMISSIONED BY THE BOARD  
15    AND WAS PAID FOR BY TAXPAYER DOLLARS.

16                    RESOLUTION 97-425 IS A CEMENT --  
17    REPRESENTS THE CEMENT INDUSTRY'S LATEST ATTEMPT TO  
18    BURN TIRES, YET AVOID ENVIRONMENTAL REVIEW.  THE  
19    RESOLUTION CALLS FOR THE DEVELOPMENT OF A SUPPORT  
20    DOCUMENT AND WORKSHOPS IN FAVOR OF TIRE BURNING  
21    PROJECTS.  THE RESOLUTION ALSO CALLS FOR A PERMIT  
22    CONSOLIDATION PILOT PROJECT.  HOWEVER, THE  
23    RESOLUTION DOES NOT REALLY ADDRESS THE

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24 ENVIRONMENTAL AND HEALTH RISKS OF TIRE BURNING

25 DESPITE ALL THE SCIENTIFIC INFORMATION WHICH

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1 DEMONSTRATE THESE RISKS. THE MEASURES CONTAINED  
2 WITHIN THE RESOLUTION WOULD FACILITATE THE CEMENT  
3 INDUSTRY IN THEIR EFFORTS TO BURN TIRES WITHOUT  
4 CONDUCTING ENVIRONMENTAL REVIEW.

5 AS SIMILAR ATTEMPTS BY THE CEMENT  
6 INDUSTRY WERE REJECTED BY THE COMMUNITIES, WERE  
7 REJECTED BY THE COURTS, WERE REJECTED BY THE  
8 LEGISLATURES, AND WERE REJECTED BY INVESTIGATORS  
9 COMMISSIONED BY THIS BOARD, THE CENTER ON RACE,  
10 POVERTY, AND THE ENVIRONMENT URGES THIS BOARD TO  
11 REJECT THE LATEST ATTEMPT OF THE CEMENT INDUSTRY TO  
12 BURN TIRES WITHOUT CONDUCTING ENVIRONMENTAL REVIEW.  
13 THANK YOU.

14 CHAIRMAN PENNINGTON: ANY QUESTIONS?

15 BOARD MEMBER JONES: YEAH. I JUST DIDN'T  
16 UNDERSTAND WHERE OUR POLICY SAID THEY COULD BURN  
17 TIRES WITHOUT REVIEW. I MISSED THAT.

18 MR. GALLARDO: IT WOULD FACILITATE THAT.

19 BOARD MEMBER JONES: OKAY.

20 CHAIRMAN PENNINGTON: THANK YOU. NEXT IS  
21 LESLIE FLOWER -- FOWLER.

22 MS. FOWLER: CAN I GO A LITTLE BIT LATER?

23 CHAIRMAN PENNINGTON: SURE. HARLAN

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24     SETHE.

25                   MR. SETHE:   MY NAME HARLAN SETHE.   I WANT

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1 TO THANK THIS ORGANIZATION FOR ALLOWING ME TO GO TO  
2 MONTEREY, CALIFORNIA, AND TO ATTEND THE CRUMB  
3 RUBBER PRODUCTS WORKSHOP. THAT WAS VERY  
4 ENLIGHTENING FOR ME. I GOT A CHANCE TO MEET PEOPLE  
5 FROM AROUND THE COUNTRY AND FROM ENGLAND THAT ARE  
6 VERY MUCH INVOLVED WITH THE CRUMB RUBBER PRODUCTS.

7 I WAS A TEACHER IN CUPERTINO FOR 34  
8 YEARS. I'M -- ALSO NOW I'M RETIRED CHAIRMAN OF THE  
9 AREA FOUR IF THE CALIFORNIA RETIRED TEACHERS  
10 ASSOCIATION. AND MY RESPONSIBILITY IS FOR THE  
11 SAFETY AND WELL-BEING OF ALL RETIRED TEACHERS IN  
12 NINE COUNTIES THAT SURROUND THE BAY.

13 I LIVE IN CUPERTINO ABOUT FOUR MILES  
14 FROM KAISER CEMENT COMPANY. I AM CONCERNED ABOUT  
15 THE QUALITY OF AIR THAT ALL OF US IN THE BAY AREA  
16 HAVE TO BREATHE. THE WEST VALLEY CITIZENS AIR  
17 WATCH AND THE 8,500 CONCERNED CITIZENS HAVE SIGNED  
18 CARDS THAT HAVE BEEN HAND DELIVERED TO THE BAY AREA  
19 QUALITY MANAGEMENT DISTRICT, AND THE CARDS STATED  
20 THAT AS A SANTA CLARA COUNTY RESIDENT, I AM OPPOSED  
21 TO THE PLAN TO BURN TIRES AT THE KAISER CEMENT  
22 PLANT IN CUPERTINO.

23 WE WOULD LIKE TO HAVE THE WASTE

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24 MANAGEMENT BOARD CONSIDER ALTERNATIVE AVENUES FOR  
25 THE USE OF WASTE TIRES. NOW, AT THIS WORKSHOP I

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1 MET SOME INTERESTING PEOPLE. MICHAEL FROST FROM  
2 FOLSOM CITY SAID THEY USE CRUMB RUBBER UNDER THEIR  
3 SOCCER FIELD GRASS. GOOD WAY TO USE GOOD CRUMB  
4 RUBBER. DAVID STRASSMAN OF MADISON, WISCONSIN,  
5 SAID THAT THERE WERE 25 FREEZE CYCLES IN THE YEAR  
6 IN MADISON. WITH THE USE OF THE 2-INCH COAT OF  
7 RUBBER SEALANT, THE ROADS ARE 30 PERCENT MORE  
8 FLEXIBLE AND 30 PERCENT MORE STABLE AS TO SUPPORT  
9 TRAFFIC.

10 GARY HILDEBRAND OF CALTRANS SAID THAT  
11 THE ROADS WITH ASPHALT CHIP SEAL RESIST THERMO-  
12 TRACKING AND POTHOLES, AND CRACKS SEALED  
13 THEMSELVES. HE SAID THAT CALTRANS IS GOING TO  
14 INCREASE THE USE OF RUBBERIZED ASPHALT CONCRETE.

15 ANOTHER GENTLEMAN OF CALTRANS, CLIFF  
16 ASHCROFT SAID, THAT RUBBERIZED ASPHALT COSTS 30  
17 PERCENT MORE TO USE, BUT THE TAXPAYERS WILL SAVE  
18 MONEY IN THE LONG RUN.

19 CORNELIUS SNIDER OF HIGH TIRE  
20 INDUSTRIES OF DENVER, COLORADO, GAVE US INFORMATION  
21 ABOUT THEIR CROWN THREE PRODUCT THAT THEY USED ON  
22 WEBSTER HIGH SCHOOL FOOTBALL FIELD. THEY USED 26  
23 TONS OF RECYCLED TIRES TO REDUCE THE TRAFFIC DAMAGE



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24 TO THE FIELD. BOTTOM LINE IS NOT PROFIT.

25 NOW, KAISER SAID THEY WOULD BE ABLE

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1 TO SAVE ABOUT \$500,000 FOR BURNING THE TWO MILLION  
2 TIRES PER YEAR. NOW, THAT'S THEIR WORDS. BOTTOM  
3 LINE TO ME IS NOT PROFIT FROM THE CEMENT KILNS OF  
4 CALIFORNIA, BUT THE HEALTH AND WELL-BEING OF THE  
5 PEOPLE OF OUR STATE. THANK YOU.

6 CHAIRMAN PENNINGTON: THANK YOU. ANY  
7 QUESTIONS? OKAY. THANK YOU. I MIGHT COMMENT THAT  
8 ALL THESE PEOPLE FROM CALTRANS, THEY'RE NOT BUYING  
9 VERY MUCH RUBBERIZED ASPHALT THESE DAYS. OKAY.  
10 NEXT IS MORGAN HOFF.

11 MR. HOFF: MY NAME IS MORGAN HOFF. I'M A  
12 RESIDENT OF CUPERTINO, CALIFORNIA. I'M OPPOSED TO  
13 RESOLUTION 97-425. RESOLUTION 97-425 IS GROSSLY IN  
14 CONFLICT WITH THE WASTE MANAGEMENT BOARD'S MISSION  
15 STATEMENT AND SHOULD, THEREFORE, BE REJECTED. THE  
16 WASTE MANAGEMENT BOARD SHOULD REJECT IT.

17 THE WASTE MANAGEMENT BOARD'S MISSION  
18 STATEMENT SAYS IT IS TO REDUCE THE GENERATION AND  
19 IMPROVE THE MANAGEMENT OF SOLID WASTE IN CALIFORNIA  
20 TO CONSERVE RESOURCES, TO DEVELOP SUSTAINABLE  
21 RECYCLING MARKETS, AND PROTECT PUBLIC HEALTH AND  
22 SAFETY AND THE ENVIRONMENT AND TO DO THIS IN  
23 PARTNERSHIP WITH PUBLIC AGENCIES, INDUSTRIES,

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24 BUSINESS, AND THE PUBLIC THAT THEY SERVE.

25 THE MISSION STATEMENT SAYS THAT THE

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1 MISSION IS TO CONSERVE RESOURCES, BUT BURNING TIRES  
2 DOES NOT CONSERVE RESOURCES. IT DESTROYS THEM. IT  
3 EXTRACTS SOME ENERGY, BUT THE RESOURCE, WHICH IS  
4 THE TIRE, ONCE BURNED, IS GONE. ONCE BURNED CANNOT  
5 BE CONVERTED INTO A RETREAD OR RUBBERIZED ASPHALT  
6 OR CRUMB RUBBER OR ANY OF THE OTHER USABLE  
7 PRODUCTS. BURNING TIRES DESTROYS THE RESOURCE.

8 THE MISSION STATEMENT ALSO TALKS  
9 ABOUT DEVELOPING SUSTAINABLE RECYCLING MARKETS, BUT  
10 BURNING TIRES IS NOT RECYCLING TIRES. WHEN A TIRE  
11 IS BURNED, NO PHYSICAL COMPONENT OF IT IS REUSED.  
12 DOES BURNING WOOD IN YOUR FIREPLACE RECYCLE THE  
13 WOOD? DOES BURNING GASOLINE IN YOUR CAR'S ENGINE  
14 RECYCLE THE GASOLINE? WHY WOULD ANYBODY THINK FOR  
15 A MOMENT THAT BURNING TIRES WAS RECYCLING TIRES?

16 THE MISSION STATEMENT ALSO SAYS THAT  
17 THE MANAGEMENT -- THE WASTE MANAGEMENT BOARD'S  
18 MISSION IS TO PROTECT PUBLIC HEALTH AND SAFETY, BUT  
19 BURNING TIRES INCREASES POLLUTION AND IT INCREASES  
20 THE RISK OF CANCER AND AN UGLY HOST OF OTHER  
21 AFFLICTIONS.

22 WHEN WE REVIEW THE TIRE BURNING TESTS  
23 CONDUCTED FOR KAISER CEMENT IN CUPERTINO,

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24 CALIFORNIA, DURING THE WINTER OF 1995-96, WE SEE  
25 THE CANCER RISK RISING 19 PERCENT. THESE ARE THE

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1 NUMBERS IN KAISER'S REPORT COMPUTED BY KAISER'S  
2 CONTRACTOR. I BELIEVE THE RISK IS ACTUALLY HIGHER  
3 FOR SEVERAL REASONS.

4 THE EMISSIONS WERE BASED UPON A BEST  
5 CASE OPERATING CONDITION, IGNORING ANY OUTAGES OR  
6 EMERGENCIES WHICH WOULD INCREASE THE MEASURED  
7 LEVELS. THE HEALTH RISK ASSESSMENT ALSO IGNORES  
8 INCREMENTAL DANGER DUE TO COMBINING POLLUTANTS. IT  
9 IGNORES THE SYNERGIES THAT WOULD MAKE THE EFFECTS  
10 OF COMBINED POLLUTANTS WORSE THAN THE SIMPLE SUM OF  
11 THEIR INDIVIDUAL IMPACTS.

12 FOR THESE REASONS, I BELIEVE THAT  
13 RESOLUTION 97-425 MUST BE JUDGED UNACCEPTABLE TO  
14 THE CIWMB AND MUST BE REJECTED. THANK YOU.

15 CHAIRMAN PENNINGTON: ANY QUESTIONS OF  
16 THIS WITNESS? THANK YOU. JOYCE EDEN.

17 MS. EDEN: THANK YOU. I'M SPEAKING TODAY  
18 ON BEHALF OF DR. NEIL CARMEN, BUT I JUST WANT TO  
19 MAKE A QUICK COUPLE COMMENTS FOR MYSELF, THAT I  
20 THINK THAT TRYING TO SAY THAT TIRE PILES THAT ARE  
21 OUT IN THE COUNTRY AND THAT GET SET ON FIRE BY SOME  
22 MEANS OR ANOTHER, THERE'S A TRADE-OFF BETWEEN THE  
23 EMISSIONS FROM THAT AND THE EMISSIONS FROM TIRES

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24 BEING BURNED IN CEMENT KILNS AND COGENERATION

25 PLANTS IS NOT VALID.

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1 I TALKED TO SOMEONE FROM AUSTRALIA  
2 WHERE THEY BURY TIRES IN THE GROUND IN A VERY  
3 PARTICULAR MANNER THAT KEEPS THEM UNDERGROUND UNTIL  
4 THE TIME WHICH THEY WILL RECOVER THOSE TIRES FROM  
5 THE GROUND, NOT IN TOXIC WASTE DUMPS, JUST IN DIRT,  
6 AND USE THEM IN TRUE RECYCLING. THEY LOOK AT THEM  
7 AS A VALUABLE RESOURCE.

8 MY COMMENTS NOW ARE FROM DR. CARMEN  
9 WHO COULD NOT BE HERE. HIS BACKGROUND IS A PH.D.  
10 IN CHEMISTRY. HE SERVED AS A TEXAS AIR CONTROL  
11 BOARD REGIONAL INVESTIGATOR FOR 12 YEARS WITH  
12 TECHNICAL EXPERIENCE IN SYNTHETIC RUBBER PLANTS  
13 MAKING RUBBERS FOR TIRES. AS AN AIR CONTROL BOARD  
14 OFFICE OFFICIAL, HE CONDUCTED STATE AIR POLLUTION  
15 INSPECTIONS IN ONE OF THE LARGEST SYNTHETIC RUBBER  
16 PLANTS IN THE UNITED STATES.

17 MANY INSPECTIONS WERE PERFORMED AT  
18 THE FACILITY FOR COMPLIANCE PURPOSES. AND THEY  
19 LEAD TO THREE -- THEY LED TO THREE STATE ENFORCE-  
20 MENT ACTIONS, INCLUDING A MAJOR LAWSUIT BY THE  
21 STATE ATTORNEY GENERAL'S ENVIRONMENTAL PROTECTION  
22 DIVISION, IN WHICH HE SERVED AS THE STATE'S CHIEF  
23 INVESTIGATOR ON THE CASE. HE BECAME KNOWLEDGEABLE



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24 WITH TOXIC AIR EMISSIONS BEING RELEASED AND THEIR  
25 RELATIONSHIP TO PLANT PROBLEMS IN THE SYNTHETIC

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1 RUBBER PROCESS.

2 I'M ONLY READING EXCERPTS FROM THIS.

3 THIS IS ONE OF THE MOST KNOWLEDGEABLE PEOPLE IN THE  
4 COUNTRY ON THIS.

5 DURING MY TENURE AS A STATE AIR  
6 POLLUTION CONTROL OFFICIAL, I ALSO INSPECTED A  
7 LARGE CEMENT MANUFACTURING FACILITY WITH TWO LARGE  
8 KILNS THAT PRODUCE PORTLAND CEMENT; AND BASED ON MY  
9 STATE EXPERIENCE AND KNOWLEDGE OF THESE FACILITIES,  
10 I OFFER TECHNICAL GROUNDS TO OPPOSE THE DISPOSAL OF  
11 WASTES SUCH AS TIRE-DERIVED FUEL AND CEMENT KILNS.

12 HAZARDOUS CHEMICALS USED IN SYNTHETIC  
13 RUBBER MANUFACTURING ARE REGULATED UNDER THE  
14 FEDERAL CLEAN AIR ACT, TITLE 3 AS HAZARDOUS AIR  
15 POLLUTANTS, HAP'S. THESE MAY BE EMITTED INTO THE  
16 AIR DURING HIGH TEMPERATURE INCINERATION OF TIRES  
17 IN CEMENT KILNS. STYRENE BUTADIENE RUBBER HAS FOUR  
18 MAJOR COMPONENTS, INCLUDING BUT NOT LIMITED TO  
19 STYRENE, 1,3 BUTADIENE, A SUSPECTED HUMAN  
20 CARCINOGEN, EXTENDER OILS, CARBON BLACK. THE LARGE  
21 VOLUME OF BENZENE PRESENT IN THE TDF WASTESTREAM  
22 AND ITS HIGH TEMPERATURE REQUIREMENT FOR COMPLETE  
23 COMBUSTION PROVIDES A PATHWAY FOR CREATION OF MORE

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24     HIGHLY TOXIC SPECIES SUCH AS DIOXINS, FURANS,  
25     PCB'S, AND PAH'S.

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1                   ADDITIONAL HAZARDOUS CHEMICALS ARE  
2   USED IN SYNTHETIC RUBBER TOO NUMEROUS TO LIST AT  
3   THIS TIME. I HAVE A FEW ON THIS PAGE. THESE ARE  
4   SERIOUS.

5                   IN SUMMARY, SYNTHETIC RUBBER TIRES  
6   CONTAIN SIGNIFICANT CONCENTRATIONS OF TOXIC AND  
7   HAZARDOUS CHEMICALS. INCINERATION OF TIRES HAS A  
8   CLEAR POTENTIAL TO PRODUCE TOXIC EMISSIONS OF  
9   NUMEROUS CARCINOGENIC, MUTAGENIC, AND TERATOGENIC  
10  CHEMICALS. TERATOGENIC CHEMICALS DISRUPT NORMAL  
11  FETAL DEVELOPMENT IN HUMANS AND OTHER ANIMALS. THE  
12  FACT THAT THE SYNTHETIC RUBBER INDUSTRY UTILIZES  
13  LARGE VOLUMES OF SO MANY TOXIC CHEMICALS IN THEIR  
14  PROCESSES IS TESTIMONY TO THE ISSUE THAT BURNING  
15  TIRES, EVEN IN RELATIVELY WELL-CONTROLLED  
16  COMBUSTION DEVICES, MAY RESULT IN HARMFUL EMISSIONS  
17  AND CAUSE UNDESIRABLE IMPACTS IN NEIGHBORING  
18  COMMUNITIES.

19                  CEMENT KILNS ARE NOT DESIGNED,  
20  CONSTRUCTED, OPERATED, OR INTENDED TO BE USED AS  
21  SCRAP TIRE INCINERATORS. ALSO, THEY ARE PERMITTED  
22  AND REGULATED AS CEMENT MANUFACTURING FACILITIES  
23  UNDER DIFFERENT RULES, REGULATIONS, AND REGULATORY

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24 POLICIES WITH RESPECT TO BEST AVAILABLE CONTROL

25 TECHNOLOGY REVIEW, AIR MODELING, AND PUBLIC HEALTH

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1 EVALUATION.

2 CEMENT KILNS ARE NOT DESIGNED --  
3 CEMENT KILNS ARE LACKING IN A SECOND BURN UNIT OR  
4 AFTERBURNERS. CEMENT KILNS ARE NOT DESIGNED OR  
5 REQUIRED TO HAVE MAJOR FAIL-SAFE COMBUSTION DEVICES  
6 SUCH AS LARGE AFTERBURNERS THAT ALL STATE-OF-THE-  
7 ART INCINERATORS MUST HAVE BY FEDERAL LAW TODAY.  
8 ALL MEDICAL, MUNICIPAL, AND HAZARDOUS WASTE  
9 INCINERATORS CANNOT OPERATE WITHOUT THEIR  
10 AFTERBURNER OR SECONDARY COMBUSTION CHAMBER IN  
11 NORMAL OPERATION.

12 CEMENT KILNS HAVE NO SUCH FAIL-SAFE  
13 COMBUSTION DEVICES, WHICH IS UNTHINKABLE TODAY IN  
14 ALL MODERN INCINERATORS.

15 DURING STACK TESTS OF TDF CEMENT  
16 KILNS -- DURING STACK TESTS OF TDF, CEMENT KILNS  
17 WILL DO SEVERAL THINGS TO MAKE EMISSIONS AND  
18 COMBUSTION LOOK GOOD TO DECENT FOR SUCH FACILITIES.  
19 RUN AT HIGHER EXCESS AIR TO IMPROVE COMBUSTION  
20 EFFICIENCY, CONTROL KILN PARAMETERS MORE PRECISELY,  
21 PREVENT KILN SOLID RING FORMATION AND BUILD-UP THAT  
22 CREATES HAVOC FOR GOOD COMBUSTION OF ANY FUELS,  
23 OPERATE AND MAINTAIN THEIR BAGHOUSES IN TOP

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24     CONDITION TO KEEP PARTICULATE EMISSIONS TO A  
25     REDUCED LEVEL, AND OPERATE AT SLIGHTLY HIGHER KILN

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1     TEMPERATURES AND OTHER FACTORS.

2                   THIS HAS NOT BEEN AND NEEDS TO BE  
3    TAKEN INTO CONSIDERATION, MY OWN WORDS HERE, IN  
4    THE -- ALL THE TESTS THAT HAVE BEEN DONE.  THESE  
5    ARE BEST CASE TESTS.  THESE ARE NOT STANDARD  
6    OPERATING CONDITIONS REFLECTED IN THESE TESTS.  AND  
7    THE TESTS LOOK BAD AS IT IS.

8 COMBUSTION UPSETS. THIS IS A  
9 SIGNIFICANT PUBLIC HEALTH ISSUE NEAR CEMENT KILNS.  
10 CEMENT KILNS CERTAINLY DO HAVE COMBUSTION UPSETS  
11 AND SMOKE PARTICULATES, SMOKE PARTICLES, AS WELL AS  
12 OTHER UNBURNED WASTE MAY BE EMITTED DURING SUCH  
13 EVENTS. DIFFERENT OPERATING PROBLEMS AND  
14 FLUCTUATING CONDITIONS IN THE CEMENT KILN MAY  
15 TRIGGER A COMBUSTION UPSET. HIGHER RATES OF TOXIC  
16 EMISSIONS WILL BE MORE PROBABLE DURING A COMBUSTION  
17 UPSET AND MALFUNCTION.

18                               AND THESE ARE MY OWN WORDS HERE.

19       AGAIN, THIS IS NOT SHOWN AND TAKEN INTO CONSIDERA-

20       TION IN THE TESTING THAT HAS BEEN DONE.   THIS IS

21       NOT REFLECTED IN THE TESTING, BUT IN REAL

22       OPERATIONS THIS IS WHAT HAPPENS.

23 POLLUTION HAZARDS OF TIRES. SOME OF



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24 THE THINGS THAT GO UP IN MANY -- MOST OF THE TESTS  
25 FROM TDF: CARBON MONOXIDE, PARTICULATE MATTER,

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1     THAT IS, IN COMPARING COAL ONLY AND COAL WITH TDF,  
2     CHLORINE, TOTAL REDUCED SULFUR COMPOUNDS, BENZENE,  
3     DIOXINS, PCB'S, PAH'S, HEXAVALENT CHROMIUM, COPPER,  
4     LEAD, MANGANESE, MERCURY, ZINC, NOX, PM-10, WHICH  
5     ARE SMALL PARTICULATES, TOXIC BY-PRODUCTS OF TIRE  
6     BURNING THAT NO COMMUNITY SHOULD ENDURE.

7                     BURNING OF SCRAP TIRES IN CEMENT  
8     KILNS CREATES AN ARRAY OF TOXIC BY-PRODUCTS, SUCH  
9     AS DIOXINS, FURANS, PAH'S, PCB'S, ARSENIC,  
10    HEXAVALENT CHROMIUM, AND CADMIUM.  THESE CHEMICALS  
11    ARE RECOGNIZED BY HEALTH OFFICIALS AS CAUSING  
12    CANCER OR REPRODUCTIVE TOXICITY.

13                    OTHER TOXIC BY-PRODUCTS FROM TIRE  
14    BURNING INCLUDE MERCURY, LEAD, NICKEL, BERYLLIUM,  
15    XYLENE, TOLUENE, PHENYL, MONOCHLOROBENZENE,  
16    NAPHTHALENE, FORMALDEHYDE, ACETALDEHYDE, AND DOZENS  
17    OF MORE PRODUCTS OF INCOMPLETE COMBUSTION.  A CHIEF  
18    HEALTH ISSUE IS THE FACT THAT CHLORINATED  
19    CHEMICALS, DIOXINS, FURANS, AND PCB'S EMITTED FROM  
20    BURNING WASTE ARE LINKED TO THE INCREASED INCIDENT  
21    OF BREAST CANCER.

22                    TIRES ARE A TOXIC WASTE WHEN THEY ARE  
23    BURNED.  TIRES ARE MADE OUT OF MATERIALS THAT ARE

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24      CONSIDERED TOXIC WHEN THEY ARE IN A LIQUID FORM.

25      THESE ARE RELEASED WHEN THEY ARE BURNED.    THE LEGAL

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1 AND, QUOTE, TECHNICAL EXEMPTION OF TIRES FROM THE  
2 DEFINITION OF HAZARDOUS WASTE IS NOT PRODUCTIVE OF  
3 PUBLIC HEALTH WHEN THEY ARE BURNED.

4 CEMENT PLANTS HAVE INADEQUATE  
5 POLLUTION CONTROL EQUIPMENT FOR TIRE DISPOSAL.  
6 HEALTH PRODUCTS FROM HEAVY METALS, HYDROCARBONS,  
7 PRODUCTS OF INCOMPLETE COMBUSTION, AND NEWLY  
8 CREATED SUBSTANCES LIKE DIOXIN EMITTED WHEN BURNING  
9 TIRES ARE MAGNIFIED WHEN COMBINED WITH DUST  
10 EMISSIONS THAT ARE PART OF THE CEMENT PRODUCTION  
11 PROCESS.

12 SO THIS IS A VERY IMPORTANT THING  
13 THAT HAPPENS. IN THE HEALTH -- THIS IS MY WORDS  
14 NOW -- IN THE HEALTH RISK ASSESSMENT, THE SMALL  
15 PARTICULATES ARE NOT TAKEN INTO CONSIDERATION AT  
16 ALL, NOT AT ALL.

17 NO MATTER WHAT KIND OF WASTE OR  
18 FUEL IS BEING BURNED IN THEM, CEMENT KILNS ARE  
19 LARGE AIR POLLUTERS. THEY ARE A MAJOR SOURCE OF  
20 PARTICULATE MATTER, WHICH HAS BEEN FOUND TO BE  
21 TOXIC TO HUMAN HEALTH IN ITS OWN RIGHT, EVEN AT THE  
22 SMALLEST MEASURABLE LEVELS OF EXPOSURE. AND  
23 THERE'S VARIOUS SOURCES CITED IN HERE.

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24 STUDIES. WHEN WASTE IS BURNED IN  
25 CEMENT KILNS, THE PARTICULATE MATTER ACTS AS A

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1     MAGNET FOR UNBURNED TOXIC METALS SUCH AS LEAD,  
2     ARSENIC, CADMIUM, AND CHROMIUM, AND PRODUCTS OF  
3     INCOMPLETE COMBUSTION EMITTED FROM THEIR STACKS.  
4     SO WHAT HAPPENS IS ON THESE LITTLE PARTICLES YOU  
5     HAVE THESE OTHER TOXIC EMISSIONS, AND THEY STICK TO  
6     THE LITTLE PARTICLES.  THEY'RE TAKEN DOWN INTO YOUR  
7     LUNGS AND YOU CANNOT EXHALE THEM BECAUSE OF THE  
8     SMALL SIZE.  AND THEY STICK THESE LITTLE VERY  
9     DANGEROUS THINGS.  THEY'RE A TRANSMITTER, AND THEY  
10    STICK THEM IN THE SMALL RECESSES OF YOUR LUNGS AND  
11    THEY DON'T COME OUT AGAIN.

12                   THIS TOXIC ENRICHMENT CREATES A MAJOR  
13    HEALTH HAZARD, WHICH WE BELIEVE SHOULD NOT BE  
14    IMPOSED UPON US OR OUR CHILDREN.  CEMENT KILNS ARE  
15    ONE OF THE LARGEST SOURCES OF DIOXIN EMISSIONS IN  
16    THE U.S, U.S. EPA'S DRAFT SCIENTIFIC REASSESSMENT  
17    ON DIOXIN SEPTEMBER 13, 1994.  THE MOST TOXIC  
18    DIOXINS HAVE BEEN FOUND ONLY IN CEMENT PLANT  
19    EMISSIONS WHERE SYNTHETIC SUBSTANCES ARE BURNED.  
20    INCINERATION PLUS CHLORINE MAKES DIOXIN.  DIOXIN IS  
21    A POTENT TOXIN CAPABLE OF A VARIETY OF ADVERSE  
22    HEALTH EFFECTS, INCLUDING HORMONAL DISRUPTION, AND  
23    A LONG LIST I'M NOT GOING TO READ.

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24                                   MANY PEOPLE WHO LIVE DOWNSTREAM OF  
25   CEMENT PLANTS ALREADY CARRY UNHEALTHY BODY BURDENS

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1 OF TOXIC HEAVY METALS AND-OR SYNTHETIC CHEMICALS,  
2 MANY OF WHICH MIMIC HORMONES AND HAVE OTHER TOXIC  
3 EFFECTS. THE SLIGHTEST ADDITIONAL EXPOSURE WILL  
4 CAUSE THESE PEOPLE HARM.

5 TIRE INCINERATION IN CEMENT KILNS IS  
6 NOT RECYCLING. FOR OBVIOUS REASONS, CEMENT KILNS  
7 ALLOW A HUNDRED PERCENT OF THE METALS TO BE  
8 RETURNED TO THE ENVIRONMENT AS AIR POLLUTION,  
9 CEMENT KILN DUST, OR CEMENT PRODUCT. THIS IS NOT  
10 RECYCLING. CEMENT KILNS ARE NOT DESIGNED TO BE  
11 INCINERATORS AND DO NOT HAVE TO MEET THE SAME  
12 STRINGENT STANDARDS OF PERFORMANCE AND EMISSION  
13 LIMITS REQUIRED OF COMMERCIAL INCINERATION  
14 FACILITIES. THANK YOU.

15 CHAIRMAN PENNINGTON: ANY QUESTIONS?

16 BOARD MEMBER RELIS: I JUST HAVE A COUPLE  
17 OF QUESTIONS OR -- I'M JUST TRYING TO DISTILL.  
18 WE'LL GET THE WHOLE LETTER, SO WE'LL HAVE THAT IN  
19 THE RECORD. BUT THE GIST OF IT, I GATHER FROM THE  
20 PRESENTATION, IS THAT CEMENT KILNS DON'T ADEQUATELY  
21 INCINERATE, MEANING THEY DON'T BURN COMPLETELY.  
22 AND THAT THERE'S AN ASSERTION THAT I THINK YOU ARE  
23 MAKING, AND CORRECT ME IF I'M WRONG, THAT THE



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24 BOARD -- THAT THE TESTS THAT WERE UNDERTAKEN IN THE  
25 TWO STUDIES REFERENCED BY THIS BOARD THAT WE

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1 COMMISSIONED, ARE YOU SAYING THAT THEY DON'T  
2 REPRESENT ACTUAL BURN CONDITIONS?

3 MS. EDEN: YES. THEY DO NOT REPRESENT  
4 NORMAL OPERATING CONDITIONS.

5 BOARD MEMBER RELIS: OKAY.

6 MS. EDEN: REPRESENTATIVE OF TEST  
7 CONDITIONS.

8 BOARD MEMBER RELIS: THAT WOULD GO TO THE  
9 VERY METHODOLOGY AND THE CREDIBILITY OF THE TESTS  
10 THEMSELVES AND THE CONTRACTORS. I JUST WANTED TO  
11 SEE IF YOU WERE --

12 MS. EDEN: AND THE OTHER POINT IS THAT THE  
13 CEMENT KILNS ARE NOT REGULATED LIKE OTHER HAZARDOUS  
14 WASTE INCINERATORS, AND THEY ARE ALLOWED TO LET OUT  
15 A LOT MORE TOXINS AND POLLUTIONS LEGALLY WITHOUT  
16 TAKING INTO CONSIDERATION WHAT IT ACTUALLY DOES.  
17 THANKS.

18 CHAIRMAN PENNINGTON: OKAY. OKAY. THE  
19 NEXT WITNESS IS WENDY METZLER. MS. MEZILIS.

20 MS. MEZILIS: GOOD AFTERNOON. MY NAME IS  
21 WENDY MEZILIS FROM CUPERTINO. IS THE VOLUME OKAY?

22 TODAY I WOULD LIKE TO READ A LETTER  
23 FROM DR. THOMAS BUSSING OF GAINESVILLE, FLORIDA.

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24 HE'S INVOLVED IN THE SAME ISSUE IN FLORIDA. THIS  
25 IS TO STEVEN JONES, WRITTEN ON OCTOBER 19, '97,

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1     REGARDING RESOLUTION 97-425.

2                     DEAR MR. JONES:   I'M WRITING TO URGE  
3     YOU AND THE CIWMB TO ACT RESPONSIBLY AND RESIST THE  
4     PRESSURES TO ENCOURAGE WIDESPREAD TIRE INCINERATION  
5     AS A, QUOTE, RECYCLING MEASURE.   I HAVE FOLLOWED  
6     THE DEVELOPMENT OF TIRE BURNING ISSUE IN THE CEMENT  
7     INDUSTRY AND HAVE VISITED SOME OF THE SITES IN  
8     CALIFORNIA.   I HAVE REVIEWED TEST BURN REPORTS, AND  
9     AS A RESULT I FEEL AN OBLIGATION TO TAKE A POSITION  
10    IN THIS MATTER OUT OF CONCERN FOR THE GENERAL  
11    PUBLIC HEALTH.

12                    I'M DISTURBED THAT THE CIWMB STAFF  
13    REPORTS INDICATE A SKEWED VIEW OF THE EXISTING BODY  
14    OF TEST DATA.   WHILE THE DATA MAY INDEED BE FLAWED  
15    AND INCOMPLETE, IT IS IMPOSSIBLE TO MISS THE  
16    TREND.   INCINERATION OF WASTE TIRES IN A PROCESS  
17    FURNACE ENVIRONMENT INCREASES GREATLY THE EMISSIONS  
18    OF AIRBORNE TOXICS.   TO CHARACTERIZE CITIZEN  
19    OPPOSITION AS MISLED BY SUCH DATA COMPLETELY  
20    INVERTS THE POINT, THAT CURRENT TEST RESULTS SHOW  
21    EVERY REASON TO HOLD OFF ON IMPLEMENTING THE MASS  
22    TIRE INCINERATION OR AT LEAST TO CONSIDER ONLY  
23    DEDICATED AND CAREFULLY MONITORED INCINERATORS, NOT

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24 THE PRIMITIVE FIRE CHAMBER OF A PORTLAND CEMENT

25 KILN.

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1                   IT IS ALSO CLEAR THAT STUDIES TO DATE  
2   ARE BEING USED IN AN ATTEMPT TO WHITEWASH THE  
3   INCINERATION PROCESS AND TO GET ON WITH WIDESPREAD  
4   BURNING, THUS MOVING THE QUESTION OF HEALTH EFFECTS  
5   INTO THE HUMAN LABORATORY OF THE RESIDENT POPULA-  
6   TION.

7                   THE RMC LONE STAR TEST BURN SERVES AS  
8   A CASE IN POINT. WITH THE DUBIOUS RISK ANALYSIS  
9   APPLIED TO THE TOXICS MEASUREMENTS, THAT WOULD NOT  
10  PASS MUSTER IN ANY PEER REVIEWED FIELD. THE STAKES  
11  ARE HUGE. BEYOND THE DELETERIOUS HEALTH EFFECTS OF  
12  CHRONIC INHALATION OF NOXIC GASES AND FINE  
13  PARTICULATE MATTER THAT CONSTITUTE A LARGE PORTION  
14  OF THE CEMENT PLANT'S POLLUTION EMISSIONS, CEMENT  
15  KILNS CONTRIBUTE A SUBSTANTIAL PORTION OF THE  
16  DIOXIN RELEASED INTO OUR ENVIRONMENT. IN FACT,  
17  CEMENT KILNS EMIT MORE DIOXIN THAN HAZARDOUS WASTE  
18  INCINERATORS.

19                  TIRE BURNING KILNS HAVE BEEN SHOWN TO  
20  HAVE ELEVATED DIOXIN EMISSIONS. CURRENT AVERAGE  
21  BODY BURDENS OF DIOXIN ARE CLOSE TO THE TOXIC RANGE  
22  SO THAT EVEN SMALL INCREASES IN BURDEN CAN BE  
23  EXPECTED TO HAVE A SERIOUS HEALTH IMPACT. LIKE

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24 DIOXINS, HEAVY METALS FROM COAL OR TIRE BURNING

25 ACCUMULATES IN THE ENVIRONMENT AND IN LIVING

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1     TISSUE.   AND LIKE DIOXINS, THEY ARE TOXIC AT  
2     CONCENTRATIONS OF BODY BURDEN LEVELS THAT WOULD BE  
3     CONSIDERED MINUTE.   THE EFFECTS OF THESE POLLUTANTS  
4     FALLS DISPROPORTIONATELY ON SENSITIVE POPULATIONS,  
5     DEVELOPING INFANTS, YOUNG CHILDREN, AND THE HEALTH  
6     COMPROMISED, INCLUDING THE ELDERLY.

7                     IF THE CIWMB CHOOSES TO PROCEED WITH  
8     MASSIVE TIRE INCINERATION IN CEMENT PLANTS, BE  
9     PREPARED TO FACE LONG AND COSTLY PUBLIC ACTION TO  
10    CORRECT THAT MISTAKE.   OVER 200 PHYSICIANS IN OUR  
11    COMMUNITY HERE IN FLORIDA HAVE GONE ON RECORD TO  
12    STOP A PROPOSED TIRE BURNING PLANT.   IF AND WHEN  
13    THE TIRE BURNING BEGINS, THE PROBLEMS WILL NOT GO  
14    AWAY FOR THE CIWMB.   PLEASE IN CONSIDERATION OF THE  
15    PUBLIC HEALTH TAKE OPTION 3, REJECT THE TIRES AS  
16    FUEL SUPPLEMENT POLICY.   THANK YOU FOR YOUR  
17    ATTENTION IN THIS MATTER.   SINCERELY, THOMAS D  
18    BUSSING, PH. D.

19                    AND I'D LIKE TO ADD A FEW WORDS OF MY  
20    OWN.   TODAY I BETTER UNDERSTAND THE DILEMMA OF THIS  
21    BOARD, THAT OF CHOOSING BETWEEN THE TWO EVILS OF  
22    ACCIDENTAL TIRE FIRES OR PLANNED INCINERATION.   I  
23    BELIEVE WE SHOULD NOT HAVE TO CHOOSE EITHER OF



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24 THOSE ALTERNATIVES. NEW THINKING IS REQUIRED IN  
25 CLOSER CONTACT WITH PEOPLE IN OTHER STATES AND

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1 COUNTRIES DEALING WITH THE SAME ISSUE. PERHAPS  
2 BEFORE JANUARY YOU CAN RECEIVE MORE INPUT ON  
3 ALTERNATIVES FOR STORAGE AND TRUE RECYCLING. THANK  
4 YOU.

5 BOARD MEMBER JONES: THANK YOU.

6 CHAIRMAN PENNINGTON: ANY QUESTIONS?

7 BOARD MEMBER JONES: JUST ONE, JUST THAT  
8 SHE CAN RELAY. THE LETTER WAS ADDRESSED TO ME  
9 ORIGINALLY. AND I THINK ONE OF THE ISSUES THAT WE  
10 TALK ABOUT WHERE WE TRIED TO HAVE STAFF GIVE  
11 INFORMATION IS WHERE YOU HAVE AIR STANDARDS,  
12 WHERE -- AND I'M GOING TO DO THIS BY HAND -- THIS  
13 IS THE MINIMUM STANDARD. THIS IS THE BASE LINE  
14 NUMBER. AND THE TEST WITH TDF BROUGHT IT UP TO  
15 HERE. THAT MIGHT BE A 200-PERCENT INCREASE, BUT  
16 HOW FAR BELOW THE MINIMUM THRESHOLD STANDARD IS IT?

17 AND THOSE ARE THE TYPES OF THINGS  
18 THAT DECISION MAKERS GET THROWN AT THEM ALL THE  
19 TIME. THEY'RE VALID. I MEAN IT'S GOOD -- IT'S  
20 GOOD SCIENCE TO SAY THIS WENT UP 400 PERCENT, BUT  
21 WE NEVER GET THE OTHER PIECE OF THAT THAT SAYS  
22 BASED ON THOSE CALCULATIONS, WE STILL HAVE 4,000  
23 PERCENT TO GO TO MEET THE MINIMUM STANDARD.

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24 I THINK THAT, YOU KNOW, CLARIFYING  
25 THAT -- THOSE TYPES OF THINGS ARE IMPORTANT TO

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1 DECISION MAKERS SO THAT THEY HAVE A CONTEXT WITH  
2 WHICH TO MAKE THOSE DECISIONS. SO THOSE WERE THE  
3 TYPES OF ISSUES WE WERE TALKING ABOUT. YOU KNOW  
4 WHAT I MEAN?

5 MS. MEZILIS: BUT ALSO IT VARIES ACCORDING  
6 TO WHERE SOMETHING IS LOCATED. IN A METROPOLITAN  
7 AREA YOU MAY BE -- NOT HAVE ROOM FOR ANY MORE  
8 POLLUTION AT ALL.

9 BOARD MEMBER JONES: AND I AGREE. THAT'S  
10 WHY THESE ARE -- I WANT -- YOU KNOW, I WANT TO  
11 STATE THIS BECAUSE EVERYBODY HAS SOME VERY VALID  
12 POINTS. THIS POLICY IS -- YOU KNOW, IF A FACILITY  
13 TESTS, WHEREVER IT IS, OKAY -- AND BY THE WAY, 99  
14 PERCENT OF THE LETTERS WE GOT WERE FROM SANTA CLARA  
15 COUNTY, AND THEN WE GOT A LETTER -- WE GOT A COPY  
16 OF A NEWSPAPER ARTICLE FROM THE "CUPERTINO COURIER"  
17 THAT SAID THAT THEY HAD ABANDONED ANY DESIRE TO  
18 BURN TIRES THERE.

19 SO 99 PERCENT OF THE TIRES OR THE  
20 LETTERS WE GOT WERE FROM CUPERTINO, AND THEY ALL  
21 BASICALLY SAID THE SAME THING. THIS WENT UP THIS  
22 PERCENTAGE; THIS WENT UP THAT PERCENTAGE; THIS WENT  
23 UP THAT PERCENTAGE. I DON'T -- YOU KNOW, THE

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24 CUPER- -- OUR ISSUE ISN'T A SPECIFIC PLANT. YOU

25 KNOW WHAT I MEAN? IT'S JUST GIVING THE PUBLIC -- I

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1 HAD A WOMAN CALL ME TO VOICE HER OPPOSITION TO THE  
2 PROPOSAL. AND WHEN WE TALKED ABOUT IT, I JUST  
3 ASKED HER A COUPLE OF QUESTIONS. AND SHE SAID,  
4 "WELL, WHY DIDN'T ANYBODY TELL US THAT?"

5 I SAID THAT'S THE WHOLE IDEA BEHIND  
6 THE POLICY IS TO TAKE THE SCIENCE, PUT IT INTO  
7 ENGLISH, AND NOT TAKE AN ADVOCACY ROLE PRO OR CON,  
8 BUT AT LEAST LET PEOPLE SEE, YOU KNOW, SOME OF THE  
9 ISSUES. THE CEMENT KILNS HAVE AN AGENDA. THOSE  
10 WHO NEVER WANT TO SEE ANYTHING GO FORWARD HAVE AN  
11 AGENDA. THE DECISION MAKERS, YOU KNOW, SOMETIMES  
12 NEED TO JUST LOOK AT THE -- THE BAR CODE, YOU KNOW,  
13 THAT, YEAH, IT WENT UP. THIS IS THE STANDARD  
14 THOUGH. THIS IS THE MINIMUM THRESHOLD, THE RISK.  
15 AND THAT'S SOMETHING THAT'S NEVER HAPPENED, YOU  
16 KNOW. AND I THINK THERE'S VALUE IN THAT BECAUSE  
17 THEN YOU CAN MAKE A DECISION ON -- BASED ON THE  
18 SCIENCE IN THAT PARTICULAR AREA. IF IT GETS IT,  
19 FINE; IF IT DOESN'T, FINE, YOU KNOW, BUT YOU BASE  
20 IT ON ALL THE SCIENCE.

21 MS. MEZILIS: I DO THINK IT'S IMPORTANT TO  
22 TRY AND KEEP IN CONTACT WITH PEOPLE THAT ARE FACING  
23 THE SAME ISSUE ALL OVER THE WORLD BECAUSE PEOPLE

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24 ARE CONSTANTLY COMING UP WITH NEW IDEAS.

25 BOARD MEMBER JONES: ABSOLUTELY. WE PAY

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1 TO HAVE PEOPLE COME IN HERE AND TRY TO TEACH US  
2 MORE ABOUT CIVIL ENGINEERING AND TIRES. ANYTHING  
3 WE CAN TO GET RID OF TIRES, SO I AGREE WITH YOU  
4 HUNDRED PERCENT.

5 MS. MEZILIS: THANK YOU.

6 MS. PEESAPATI: IF YOU ARE, IN FACT,  
7 TRYING TO MAKE AN INFORMED DECISION BASED ON ALL  
8 THE SCIENCE, THEN WHY IGNORE THE UC DAVIS STUDY?  
9 WHY WAS THAT REJECTED BY THIS BOARD?

10 BOARD MEMBER JONES: HAVE YOU READ THE  
11 WHOLE STUDY?

12 MS. PEESAPATI: YES, I HAVE.

13 BOARD MEMBER JONES: THE WHOLE STUDY, AS  
14 IT LAYS OUT, IS VERY NONBIASED. IT SHOWS BOTH  
15 SIDES OF EVERY ISSUE UNTIL YOU GET TO TDF. THEN  
16 WHEN YOU GET TO TDF, IT SHOWS ONE SIDE. WHEN IT  
17 WENT THROUGH A REVIEW PROCESS, IT WAS GIVEN BACK  
18 AND SAID, YOU KNOW, YOU ARE REALLY LOOKING AT THIS  
19 FROM ALL ANGLES AND THOSE THINGS. IT DOESN'T  
20 MATTER.

21 I DIDN'T SIT ON THE BOARD WHEN THAT  
22 PROJECT WENT OUT, OKAY. I WASN'T ONE OF THE BOARD  
23 MEMBERS THAT DIDN'T ACCEPT IT. BUT WHEN I READ IT,



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24 I THOUGHT IT WAS A PRETTY GOOD REPORT UNTIL I GOT  
25 TO THAT POINT BECAUSE THE BIAS WAS SO OBVIOUS.

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1                   YOU KNOW, I MEAN, AND ALL -- IF YOU  
2   LOOK AT OUR POLICY, IT SAYS TALK ABOUT THE ISSUES  
3   PROS AND CON.   PROS AND CON, NOT PRO AND NOT CON,  
4   PRO AND CON.   GIVE PEOPLE BOTH SIDES OF IT.

5                   AND I DON'T HAVE ANY PROBLEM WITH  
6   USING -- I MEAN WE'RE GOING TO TAKE -- THE MOTION  
7   EARLIER WAS TO TAKE THE CARNOT REPORT, THE DAMES &  
8   MOORE STUDY, AND THE MARKETS STUDY, SEND IT OUT FOR  
9   PEER REVIEW.   AND WE'RE DOING THAT, HOPEFULLY, SO  
10  THAT THE ARGUMENT OF BUYING THE SCIENCE, NOT  
11  ACCEPTING THE SCIENCE BECAUSE -- GOES AWAY BECAUSE  
12  IT WILL GO THROUGH ONE MORE STEP OF REVIEW AND,  
13  HOPEFULLY, MAKE EVERYBODY HERE FEEL MORE  
14  COMFORTABLE BECAUSE, YOU KNOW, IT IS -- I HATE TO  
15  KEEP GOING ON, BUT I THINK IT'S JUST REALLY  
16  IMPORTANT THAT THE LETTERS WE GET SAY THE PUBLIC  
17  NEEDS TO BE INVOLVED.   PUBLIC NEEDS TO KNOW.  
18  PUBLIC NEEDS TO KNOW.   THIS WENT UP 27 PERCENT;  
19  THIS WENT UP 9,000 PERCENT; THIS WENT UP 25  
20  PERCENT.

21                  IF THE PUBLIC HAS A RIGHT TO KNOW,  
22  THEY HAVE THE RIGHT TO KNOW IN WHAT CONTEXT, DON'T  
23  THEY?

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24 MS. PEESAPATI: SURE.

25 BOARD MEMBER JONES: THAT'S ALL WE'RE

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1 SAYING IS TAKE ANY TEST, PUT IT INTO ENGLISH SO  
2 THAT PEOPLE KNOW. LET THEM MAKE A DECISION BASED  
3 ON ALL OF IT, NOT CONCRETE SIDE OR CEMENT SIDE, NOT  
4 THIS SIDE. LOOK AT IT; MAKE A DECISION.

5 BOARD MEMBER CHESBRO: THE PROBLEM,  
6 THOUGH, STEVE -- MR. JONES, IS THAT WHEN YOU CALL  
7 IT A SUPPORT POLICY, IT LOOKS LIKE ADVOCACY. I  
8 KNOW -- YOU KNOW, WE'VE TALKED ABOUT THE IDEA OF  
9 PROVIDING OBJECTIVE INFORMATION THAT WE COME UP  
10 WITH AND PUTTING IT FORWARD; BUT WHEN YOU CALL IT A  
11 SUPPORT POLICY, I THINK THAT APPEARS LIKE IT'S --  
12 THE BOARD'S GOING TO HAVE A ROLE IN GOING OUT THERE  
13 AND ADVOCATING FOR THAT PARTICULAR ACTIVITY.

14 SO I THINK THAT'S WHERE SOME OF THE  
15 PUBLIC IMPRESSION MAY HAVE COME FROM IS THE  
16 TERMINOLOGY, YOU KNOW.

17 BOARD MEMBER JONES: RIGHT. YEAH. AND  
18 SOME OF THE LETTERS I'VE READ I'M NOT HUNDRED  
19 PERCENT SURE EXACTLY.

20 CHAIRMAN PENNINGTON: WE NEED TO MOVE ON  
21 TO OUR NEXT PERSON.

22 MS. PEESAPATI: I JUST WANTED TO SAY IF  
23 YOU TAKE A CLOSE LOOK AT SECTION 2 OF THAT STUDY,

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24 YOU WILL SEE THAT THE CONCLUSIONS THAT THE  
25 SCIENTISTS COME UP WITH ARE BASED ON VERIFIABLE

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1       SCIENTIFIC DATA.

2                   BOARD MEMBER JONES:   I UNDERSTAND.   I  
3       DON'T HAVE A PROBLEM WITH THAT.   BUT WHAT I'M  
4       SAYING IS THEY DIDN'T TREAT IT THE SAME WAY THEY  
5       DID THE REST OF THE REPORT.   THAT'S NOT -- YOU  
6       KNOW, IT SAID, "HERE I'VE READ THIS REPORT" OR, YOU  
7       KNOW, "I'VE DONE THIS REPORT.   THIS IS MY  
8       CONCLUSIONS."   I MEAN THERE'S ONE LINE IN THERE  
9       THAT SAYS IF THERE IS ANY INCREASE, IT'S TOO MUCH  
10      INCREASE.

11                  MS. PEESAPATI:   WELL, I SUBMITTED THE  
12      REPORT FOR THE ADMINISTRATIVE RECORD.

13                  BOARD MEMBER JONES:   I UNDERSTAND.   WE ALL  
14      HAVE COPIES.   WE DIDN'T ACCEPT IT, BUT WE DIDN'T  
15      THROW IT OUT.

16                  BOARD MEMBER GOTCH:   IF I MAY CLARIFY  
17      SOMETHING.   AS WELL AS I REMEMBER, THE UC DAVIS  
18      REPORT WE DID NOT REJECT.   I BELIEVE IT JUST WASN'T  
19      ACTED ON.   I KNOW I DID NOT REJECT IT.

20                  BOARD MEMBER JONES:   WASN'T ACCEPTED.

21                  MS. PEESAPATI:   MY NAME IS SUMA, S-U-M-A,  
22      PEESAPATI.

23                  CHAIRMAN PENNINGTON:   OKAY.   TIMOTHY

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24 BRAND.

25 MR. BRAND: GOOD AFTERNOON. WE ASKED FOR

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1 A VIEW GRAPH MACHINE. IS THAT WHAT THIS IS HERE?  
2 GOOD AFTERNOON. MY NAME IS TIMOTHY BRAND. I CAME  
3 HERE TODAY TO MAKE SURE YOU UNDERSTAND THAT TIRE  
4 BURNING IN CEMENT KILNS INCREASES POLLUTION, AND  
5 THAT THE CITIZENS OF THE BAY AREA ARE FOCUSED ON  
6 THE SIMPLE FACTS, NOT THE DOUBLE TALK AND FALSE  
7 PROPAGANDA THAT TIRE BURNING SUPPORTERS ARE  
8 FOSTERING AND THAT RESOLUTION 97-425 PROPOSES TO  
9 ENDORSE.

10 AFTER READING THE TEXT OF THIS  
11 RESOLUTION, IT'S CLEAR THAT THIS AGENCY NEEDS AN  
12 EDUCATION FROM THE CITIZENS, NOT THE OTHER WAY  
13 AROUND.

14 I LIVE IN THE HEART OF SILICON VALLEY  
15 WHERE I'VE BEEN A PRACTICING ENGINEER FOR 16 YEARS.  
16 I HAPPEN TO HAVE SIGNIFICANT EXPERIENCE IN MODELING  
17 AND THE ANALYSIS OF MEASUREMENT ACCURACY, BUT  
18 TECHNICAL EXPERTISE IS NOT -- IS THE RULE, NOT THE  
19 EXCEPTION WHERE I LIVE. AND MY COMMUNITY ALREADY  
20 UNDERSTANDS THE DATA I'M ABOUT TO SHOW YOU FROM  
21 KAISER CEMENT'S TIRE BURNING TEST.

22 IT'S NOT NECESSARY TO UNDERSTAND ALL  
23 THE NUANCES OF THE CHEMICAL PROCEDURES TO UNDER-



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24 STAND THE EMISSION DATA. THESE MEASUREMENTS ARE  
25 QUITE SPECIALIZED, AND I REALLY HAVE NO CHOICE BUT

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1 TO ACCEPT THEM AT FACE VALUE. THE DATA FROM MY  
2 PRESENTATION COMES DIRECTLY FROM STATISTICS  
3 PUBLISHED BY THE BAY AREA AIR QUALITY MANAGEMENT  
4 DISTRICT. AND I MIGHT ALSO COMMENT TO MR. RELIS  
5 ABOUT THE DISCUSSION ABOUT MR. OR DR. NEIL CARMEN'S  
6 COMMENT ABOUT THE CONTRACTOR'S CREDIBILITY.

7 I THINK THAT THE FACT THAT THESE  
8 TESTS DO NOT REPRESENT REALISTIC CONDITIONS IS NOT  
9 THE RESPONSIBILITY OF THE CONTRACTORS WHO WERE  
10 HIRED NECESSARILY, SUCH AS RADEON AND CARNOT. IT'S  
11 KAISER CEMENT IN THIS CASE WHO IS IN CONTROL OF THE  
12 VARIABLES FOR THAT EXPERIMENT. FOR EXAMPLE, OUR  
13 AIR DISTRICT WAS NOT EVEN AWARE OF WHAT TYPE OF  
14 CEMENT THEY WERE MAKING DURING THE TEST. AND IT  
15 CAME OUT LATER ON THAT THEY WERE MAKING TWO  
16 DIFFERENT TYPES, AND NO ONE WAS AWARE OF THAT BUT  
17 KAISER CEMENT THEMSELVES.

18 THE EMISSIONS DATA FROM KAISER  
19 CEMENT'S TIRE BURNING TEST SHOWS MARKED INCREASES  
20 IN MANY DANGEROUS TOXINS, PARTICULATE MATTER, AND  
21 NOX PRODUCTS THAT HELP FORM OZONE.

22 BENZENE IS MY FIRST CHART. KAISER  
23 CEMENT ALREADY EMITS 14,000 POUNDS PER YEAR OF THIS

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24 CARCINOGEN, WHICH IS THE BIGGEST CONTRIBUTOR TO THE  
25 OVERALL CANCER RISK THEY IMPOSE ON THEIR NEIGHBORS.

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1 DESPITE THE UNUSUALLY HIGH LEVEL OF THIS TOXIN  
2 EMITTED BY THEIR NORMAL OPERATION WITHOUT BURNING  
3 TIRES, COMPARED TO OTHER CEMENT KILNS, IT WENT UP  
4 ANOTHER 12 PERCENT WHEN THEY REPLACED ONLY 10  
5 PERCENT OF THEIR COAL WITH TIRES. IRONICALLY, THE  
6 CITIZENS IN THE BAY AREA ARE PAYING EXTRA FOR  
7 GASOLINE THAT IS SUPPOSED TO REDUCE BENZENE WHILE  
8 KAISER CEMENT, THE BIGGEST POLLUTER IN SANTA CLARA  
9 COUNTY, WANTS TO INCREASE THEIR BENZENE EMISSIONS  
10 TO SAVE MONEY.

11 THE NEXT CHART IS FOR MERCURY.  
12 CEMENT KILNS ARE ONE OF THE BIGGEST SOURCES OF THIS  
13 NEUROTOXIN, AND THE MERCURY IN THE AIR AROUND MY  
14 HOME IS ALMOST EXCLUSIVELY DUE TO THE KILN AT  
15 KAISER CEMENT. BURNING TIRES IN THIS KILN CAUSES  
16 THE MERCURY EMISSIONS TO RISE BY 13 PERCENT.

17 NEXT WE HAVE DIOXIN. DIOXIN IS THE  
18 MOST POTENT OF ALL THE EMISSIONS FROM KAISER  
19 CEMENT. AND THE U.S. EPA HAS PUBLISHED AN  
20 ACCEPTABLE DOSE LIMIT OF .01 PICOGRAMS PER KILOGRAM  
21 OF BODY WEIGHT PER DAY. AND FOR A 150-POUND ADULT,  
22 THE BASELINE DIOXIN EMISSIONS FOR KAISER'S NORMAL  
23 OPERATION WOULD SUPPLY 99 MILLION OF THESE DOSES.

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24 BURNING TIRES CAUSED A 33-PERCENT INCREASE IN  
25 DIOXIN. THIS ACCEPTABLE DOSE LIMIT CONSIDERS

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1     CANCER ONLY; AND BY POLICY, THE BAY AREA AIR  
2     QUALITY MANAGEMENT DISTRICT IGNORES A SIGNIFICANT  
3     AND GROWING BODY OF EVIDENCE, INCLUDING STUDIES BY  
4     THE U.S. EPA THAT SHOW DIOXIN TO CAUSE OTHER  
5     DETRIMENTAL HEALTH IMPACTS, INCLUDING BIRTH  
6     DEFECTS, ENDOCRINE DISRUPTION, AND REPRODUCTIVE  
7     DAMAGE.

8                     THE NEXT CHART SHOWS PARTICULATE  
9     MATTER FROM KAISER CEMENT'S KILN, WHICH GOES UP 14  
10    PERCENT WHEN TIRES WERE BURNED.  NUMEROUS  
11    CONCLUSIVE STUDIES HAVE SHOWN THAT FINE PARTICULATE  
12    MATTER LODGES DEEP IN THE LUNGS AND PROVIDES A  
13    TRANSPORT MECHANISM FOR MANY TOXIC POLLUTANTS.  IT  
14    IS THIS TRANSPORT MECHANISM THAT IS NOT CONSIDERED  
15    IN THE HEALTH RISK ASSESSMENT.  SO ALTHOUGH THE  
16    TOTAL PARTICULATES, IF AN ELEMENT SUCH AS MERCURY  
17    OR LEAD COMES OUT, THE TOTAL MASS IS MEASURED FOR  
18    THAT PARTICLE WHETHER IT'S IN PARTICLE FORM OR  
19    GASEOUS FORM OR NOT.  IT'S MEASURED, BUT THE  
20    MECHANISMS FOR TRANSPORT INTO THE LUNGS IS NOT  
21    CONSIDERED IN THE HEALTH RISK ASSESSMENT.

22                    THE CITIZENS OF THE BAY AREA FEEL  
23    THAT THE 20,000 POUNDS OF PM-10 THAT KAISER

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24     PRESENTLY -- KAISER'S PRESENT KILN OPERATION PUTS  
25     INTO OUR AIR IS ALREADY A PROBLEM, AND THAT DOES

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1 NOT INCLUDE THE 200 PLUS TONS OF PM-10 FROM THEIR  
2 ROCK CRUSHING OPERATION, NOR THE DUST TRANSPORTED  
3 BY OR EMITTED FROM THE HUNDREDS OF LARGE, TANDEM  
4 DIESEL BIG RIGS THAT TRAVEL THROUGH A RESIDENTIAL  
5 SECTION OF OUR CITY. A 14-PERCENT INCREASE IN  
6 TOXIN LADEN PM-10 FROM THE KILN IS SIMPLY  
7 UNACCEPTABLE.

8 NEXT I HAVE A CHART SHOWING NOX  
9 INCREASES. KAISER CEMENT SAID THAT BURNING TIRES  
10 WOULD ACTUALLY CAUSE THE NOX PRODUCTS TO GO DOWN,  
11 AND THAT'S HOW THEY GOT THEIR TEST BURN PERMIT.  
12 BUT THEIR TIRE BURNING TEST DATA SHOWS QUITE THE  
13 OPPOSITE. WE ARE ALREADY LIVING UNDER AN ORANGE  
14 BLANKET, AND THIS SINGLE POLLUTING COMPANY ACCOUNTS  
15 FOR BETWEEN 1 AND 2 PERCENT OF THE POLLUTION IN THE  
16 ENTIRE BAY AREA, INCLUDING NINE COUNTIES AND  
17 SEVERAL OIL REFINERIES. INCREASES ARE NOT  
18 ACCEPTABLE.

19 OVERALL THE HEALTH RISK ASSESSMENT  
20 DONE BY THE AIR DISTRICT SHOWS AN 18-PERCENT  
21 INCREASE IN THE CANCER RISK WHEN TIRES WERE BURNED  
22 IN KAISER CEMENT'S KILN. MY COMMUNITY WAS TOLD BY  
23 THE AIR DISTRICT THAT THE BASE LINE HEALTH RISK



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24     LEVEL FROM KAISER'S KILN WAS ONLY 4.6 AS SHOWN IN  
25     THE GRAPH.   I PERSONALLY REVIEWED THE REPORT

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1 SUBMITTED BY KAISER CEMENT'S HIGHLY TOUTED RISK  
2 ASSESSMENT CONSULTANTS, CARNOT TECHNICAL SERVICES  
3 AND RADEON INTERNATIONAL. AND THIS AVERAGE CITIZEN  
4 FOUND SOME GLARING ERRORS THAT INDICATE OUR AIR  
5 DISTRICT DOESN'T SPEND MUCH EFFORT SCRUTINIZING  
6 KAISER CEMENT'S CLAIMS.

7 THIS VIEW GRAPH SHOWS THE ORIGINAL  
8 4.6 RISK ESTIMATE, WHICH USED INAPPROPRIATE  
9 PRODUCTION RATES FROM 1989, A RECESSION YEAR, AND  
10 INCORRECTLY MAPPED THE LOCATION OF KAISER CEMENT'S  
11 MOST AFFECTED RESIDENTIAL NEIGHBORS AT SEA LEVEL,  
12 DUCKING UNDER MOST OF THE TOXIC PLUME, WHEN, IN  
13 FACT, THEY WERE DIRECTLY IN LINE WITH IT. WHY  
14 DIDN'T THE AIR DISTRICT CHECK THIS REPORT BEFORE  
15 APPROVING IT?

16 THE RESULTING REANALYSIS CAME OUT 105  
17 PERCENT ABOVE THE ORIGINAL ESTIMATE, AND NOW WHEN  
18 WE ADD THE 18-PERCENT INCREASE FROM TIRE BURNING,  
19 THE ELEVATED CANCER RISK FROM KAISER CEMENT WILL  
20 CAUSE THEM TO BE PLACED AT A LEVEL ONE ALERT  
21 STATUS, AND REGULATIONS WILL REQUIRE THEM TO NOTIFY  
22 THEIR NEIGHBORS OF THE ELEVATED CANCER RISK. THAT  
23 IS, OF COURSE, UNLESS KAISER AND THE AIR DISTRICT

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24 CAN FIND A NEW WAY TO DO THE MATH THAT CAN KEEP  
25 THEM UNDER THE ALERT THRESHOLD OF TEN IN A MILLION.

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1                   WE WERE ORIGINALLY TOLD BY THE AIR  
2   DISTRICT THAT WE SHOULD NOT WORRY ABOUT THE  
3   INCREASES DUE TO TIRE BURNING BECAUSE OUR AIR WAS  
4   ALREADY SO DIRTY THAT WE WOULD NEVER NOTICE THE  
5   INCREASES. IT WOULD ONLY BE A LITTLE MORE. SINCE  
6   THEN A NEW ARGUMENT HAS BEEN RAISED. THEY SAY THE  
7   INCREASES DON'T GO ABOVE A STATISTICAL SIGNIFI-  
8   CANCE. WHAT THIS MEANS IS THAT THEIR MEASUREMENT  
9   ACCURACY IS SO SLOPPY THAT THE LARGE INCREASES  
10  SHOWN BY THE DATA MIGHT JUST BE ERRORS IN THEIR  
11  MEASUREMENTS. THAT ARGUMENT IS NOT COMFORTING AND  
12  IS ALSO SIMPLY INACCURATE.

13                  KAISER CEMENT AND THE AIR DISTRICT  
14  HAVE TRIED TO HIDE THE TOXIC EMISSIONS FROM TIRE  
15  BURNING BY DILUTING THEM WITH 90 PERCENT COAL AND  
16  PETROLEUM COKE, BUT IT HAS NOT WORKED.

17                  THE EMISSIONS WHEN TIRES ARE BURNED  
18  ALWAYS SEEM TO GO UP WHEN ONLY 10 PERCENT OF THE  
19  COAL IS DISPLACED BY TIRES, AND IT DOESN'T TAKE A  
20  ROCKET SCIENTIST TO RECOGNIZE THAT. IT IS  
21  CONSISTENT WITH THE RESULTS AT OTHER CEMENT KILNS.  
22  SO IF OUR AIR DISTRICT STAFF COME BEFORE YOU WITH  
23  SLIPPERY STORIES ABOUT HOW THE INCREASES DON'T MEAN

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24     ANYTHING, YOU OUGHT TO READ BETWEEN THE LINES.

25     THEY WILL SAY THIS BECAUSE THE CUSTOMER IS ALWAYS

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1 RIGHT, AND 40 PERCENT OF THEIR BUDGET COMES FROM  
2 PERMIT FEES. THESE POLLUTING INDUSTRIES ARE THE  
3 CUSTOMER THEY SERVICE.

4 THE AIR DISTRICT HIRES THE SAME  
5 CONSULTANTS AS THESE INDUSTRIES, AND, IN FACT, MANY  
6 EMPLOYEES OF THESE INDUSTRIES, THE AIR DISTRICT  
7 STAFF AND THE RISK ASSESSMENT CONSULTANTS, USED TO  
8 WORK TOGETHER. WITH ALL OF THESE WELL-KNOWN FACTS,  
9 IT IS LITTLE WONDER THAT OUR AIR DISTRICT STAFF IS  
10 ON THE SAME PAGE WITH KAISER CEMENT, AND THE BOARD  
11 MEMBERS WHO SUPPOSEDLY CONTROL THEM ARE SHORT  
12 TIMERS. THE STAFF RUNS THE SHOW.

13 THE EPA HAS RECENTLY CRITICIZED THE  
14 AIR DISTRICT FOR FAILING TO MEET CLEAN AIR  
15 STANDARDS AND HAS DEMANDED A PLAN OF ACTION WHILE  
16 YOUR PROPOSAL WILL FACILITATE INCREASED POLLUTION  
17 FROM THE LARGEST POLLUTER IN SANTA CLARA COUNTY, IN  
18 A HIGHLY CONGESTED AREA THAT IS ALREADY OUT OF  
19 ATTAINMENT.

20 YOU CLAIM YOU ARE UNAWARE OF ANY  
21 INCREASED HEALTH RISKS FROM BURNING TIRES. YET THE  
22 DATA TAKEN BY KAISER CEMENT HAS BEEN TOUTED BY THE  
23 AIR DISTRICT AND KAISER CEMENT AS THE MOST

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24 EXTENSIVE EVER TAKEN IN THE U.S. AND IT SHOWS A  
25 CLEAR HEALTH RISK INCREASE. HAVEN'T YOU SEEN THIS

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1 DATA? BENZENE GOES UP 12 PERCENT; DIOXIN GOES UP  
2 33 PERCENT; HEXCHROME GOES UP 830 PERCENT; LEAD 600  
3 PERCENT; MERCURY 14 PERCENT; PM-10 14 PERCENT; AND  
4 NOX THAT'S SUPPOSED TO GO DOWN WENT UP 6 PERCENT.

5 IT'S OBVIOUS THAT RESOLUTION 97-425  
6 SIMPLY RATIONALIZES A PREDRAWN CONCLUSION IN SPITE  
7 OF THE FACTS. THIS RESOLUTION SHOULD NEVER HAVE  
8 GOTTEN THIS FAR AND SHOULD BE REJECTED  
9 IMMEDIATELY. THANK YOU.

10 CHAIRMAN PENNINGTON: ANY QUESTIONS OF  
11 THIS WITNESS? OKAY. THANK YOU. REBECCA ARNEY.

12 MS. ARNEY: MR. PENNINGTON, LADIES AND  
13 GENTLEMEN OF THE BOARD, MY NAME IS REBECCA ARNEY.  
14 I'M A RESIDENT OF CUPERTINO. I LIVE QUITE NEAR THE  
15 KAISER CEMENT FACTORY.

16 I WOULD LIKE TO SHARE WITH YOU  
17 QUICKLY SOME OF THE HEALTH HAZARDS RELATED TO AIR  
18 POLLUTION. I'M GOING TO READ DIRECTLY FROM AN  
19 ARTICLE IN "REUTERS" DATED THURSDAY, APRIL 10,  
20 1997. THE SOURCE OF THIS ARTICLE IS THE "JOURNAL  
21 OF EPIDEMIOLOGY AND COMMUNITY HEALTH." THE SOURCE  
22 NO. 1997:51:151-159. I'LL READ DIRECTLY FROM THE  
23 REPORT.



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24 CHILDREN BORN NEAR SOURCES OF  
25 ATMOSPHERIC AND INDUSTRIAL POLLUTION ARE ABOUT 20

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1 PERCENT MORE LIKELY TO DIE OF LEUKEMIA AND SOLID  
2 TUMOR NONBLOOD CANCERS BEFORE THEY REACH ADULTHOOD,  
3 BRITISH RESEARCHERS SAY. THE FINDINGS FURTHER  
4 CONFIRM FEARS OF ENVIRONMENTAL HEALTH EXPERTS THAT  
5 AIR POLLUTION MAY BE AN EVEN GREATER THREAT TO  
6 CHILDREN IN INDUSTRIAL AREAS THAN LEAD EXPOSURE.

7 IN A REPORT IN THE "JOURNAL OF  
8 EPIDEMIOLOGY AND COMMUNITY HEALTH" THIS WEEK -- AND  
9 AGAIN, THIS REPORT IS DATED APRIL 10, 1997 --  
10 RESEARCHERS FROM THE UNIVERSITY OF BIRMINGHAM  
11 MEDICAL SCHOOL IN ENGLAND REPORT ON THEIR STUDY AS  
12 FOLLOWS: AMONG THE MORE THAN 22,400 FATAL  
13 CHILDHOOD CANCER CASES THAT OCCURRED IN ENGLAND,  
14 SCOTLAND, AND WALES BETWEEN 1953 AND 1980, THE  
15 AUTHORS IDENTIFIED GEOGRAPHIC PATTERNS WHERE THE  
16 RISK WAS GREATER THAN FOR HOMES NEAR INDUSTRIAL  
17 SITES.

18 CHILDHOOD CANCERS ARE GEOGRAPHICALLY  
19 ASSOCIATED WITH TWO MAIN TYPES OF INDUSTRIAL  
20 ATMOSPHERIC EFFLUENT; NAMELY, NO. 1, PETROLEUM  
21 DERIVED VOLATILES, AND, NO. 2, KILN AND FURNACE  
22 SMOKE AND GASES AND EFFLUENTS FROM INTERNAL  
23 COMBUSTION ENGINES, WRITE THE RESEARCHERS.

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24 RELATIVE EXCESSES OF LEUKEMIA AND OF  
25 SOLID CANCERS WERE ALSO FOUND AMONG CHILDREN BORN

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1 NEAR CAR MANUFACTURING PLANTS, PLANTS USING HIGH  
2 TEMPERATURE FURNACES SUCH AS STEEL WORKS, CEMENT,  
3 AND BRICK FACTORIES AND CREMATORIA. THE AUTHORS  
4 NOTE THAT BIRTHPLACE HAZARDS APPEAR TO CARRY MORE  
5 RISK FOR CHILDHOOD CANCER THAN ADDRESSES TO WHICH  
6 THE CHILDREN SUBSEQUENTLY MOVED.

7 WE CONCLUDE THAT EARLY EXPOSURE IS  
8 THE MORE IMPORTANT, THE AUTHORS STATE. FOR  
9 CHILDREN WHO HAVE MOVED HOUSE BETWEEN BIRTH AND  
10 DEATH, THE PROXIMITY EFFECT WAS LIMITED TO THE  
11 BIRTH ADDRESS.

12 TO EXPLAIN THE INCREASED CANCER  
13 DEATHS, THE RESEARCHERS SAY THEY BELIEVE THAT THE  
14 RISK LIES IN DIRECT EXPOSURE OF PREGNANT WOMEN AND  
15 YOUNG CHILDREN TO AIRBORNE SUBSTANCES DIFFUSING  
16 INTO THE SURROUNDING ENVIRONMENT. THEY NOTE, THESE  
17 SUBSTANCES CAN ALSO COMBINE TO FORM SECONDARY  
18 POLLUTANTS, OTHER HAZARDOUS COMPOUNDS, INCLUDING  
19 OZONE WHICH MAY EXERT THEIR CARCINOGENIC EFFECTS.

20 THAT COMPLETES THE ARTICLE FROM  
21 "REUTERS." I WOULD LIKE TO SAY PERSONALLY I FIND  
22 THIS INFORMATION VERY COMPELLING, REINFORCING THAT  
23 TIRE BURNING SHOULD NOT BE OCCURRING, ESPECIALLY IN

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24 AREAS WHICH ARE DENSELY POPULATED, SUCH AS THE  
25 CUPERTINO AREA RELATED TO THE KAISER PLANT. AND,

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1       THUS, RESOLUTION 97-425 SHOULD NOT BE APPROVED.

2                       IN CLOSING, I WOULD LIKE TO QUOTE  
3       FROM DONELLA MEADOWS, A PROFESSOR OF ENVIRONMENTAL  
4       STUDIES AT DARTMOUTH COLLEGE, REGARDING THE  
5       FREQUENT USE OF THE SCIENCE VERSUS EMOTION ARGUMENT  
6       CONCERNING OPPOSITION TOWARDS ENVIRONMENTAL  
7       ISSUES.

8                       SHE STATES: SO, FELLOW CITIZENS, LET  
9       US VOW NEVER TO PERMIT THE SCIENCE VERSUS EMOTION  
10      PUTDOWN TO BE USED AGAINST US AGAIN. LET US NOTE  
11      THAT IT MOST LIKELY COMES FROM SOMEONE WHO IS  
12      ARGUING NOT SCIENCE BUT SELF-INTEREST, PROFITS,  
13      POWER, SHORT-TERM BENEFITS FOR A FEW, BUT WITH  
14      LONG-TERM COSTS FOR MANY. THANK YOU.

15                      CHAIRMAN PENNINGTON: THANK YOU. ANY  
16      QUESTIONS OF -- OKAY. THANK YOU. DON STAUB.

17                      MR. STAUB: I AM DON STAUB FROM  
18      CUPERTINO. AND FIRST OF ALL, YOU HAD NOTICED THAT  
19      MOST OF THE COMMENTS THAT YOU ARE HEARING ARE  
20      RELATIVE TO TIRE BURNING SPECIFICALLY AT KAISER.  
21      OF COURSE, WE SUPPORT ASPHALT USES AND OTHER USES,  
22      AND WE REALIZE AND UNDERSTAND THE DIFFICULTIES THAT  
23      YOU HAVE IN MAKING A DECISION RELATIVE TO THE

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24 LESSER OF TWO EVILS.

25 BUT WHEN WE READ THIS RESOLUTION, IT

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1     USES WORDS LIKE THE TIRES -- THE FUEL -- THAT  
2     BASICALLY THE TDF HAS BEEN TESTED AND THEIR  
3     EMISSIONS HAVE BEEN FOUND WITHIN REGULATORY  
4     STANDARDS. THEN THERE IS NO REFERENCE TO ANY  
5     CONTROLS HERE. AND AGAIN, OUR INTERPRETATION IS  
6     THIS IS MORE THAN JUST FULL SUPPORT. THERE'S GOING  
7     TO BE PUBLIC EDUCATION BASED ON HOW GOOD THIS WILL  
8     BE FOR US. AND WHAT WE'RE SAYING ABOUT KAISER IS  
9     IT'S CLOSE TO US, AND WE'RE ALREADY PROBABLY SICK  
10    FROM KAISER ANYWAY.

11                   SO IF THERE WERE SOME REGULATIONS AND  
12    STANDARDS LIKE AFTERBURNERS, OR MAYBE THE BEST  
13    AVAILABLE TECHNOLOGY JUST ISN'T THE BEST AVAILABLE  
14    TECHNOLOGY TODAY TO ALLOW TIRE BURNING IN A  
15    POPULATED AREA WITH THAT KIND OF KILN. THIS IS  
16    NOT -- THAT'S -- THAT MAY BE THE ANSWER. MAYBE  
17    THAT'S TEN YEARS FROM NOW WHEN THERE IS SUCH A  
18    TECHNOLOGY. BUT CLEARLY TODAY IT'S INADEQUATE  
19    WHETHER IT'S ONLY 10 PERCENT OR WHETHER IT EXCEEDS  
20    THE EPA STANDARDS.

21                   WE'RE NOT SURE THAT THE EPA STANDARDS  
22    ARE ADEQUATE. AS WE HEAR MORE AND MORE ABOUT  
23    CARCINOGENS AND DEATHS AND DIFFERENT PROBLEMS, WE



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24     WONDER WHO'S TAKING CARE OF US.    SO WE'RE COMING TO  
25     YOU TO HAVE THIS DISCUSSION BECAUSE THIS SEEMS TO

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1 BE THE BOARD OF LAST RESORT IN OUR CASE. SO WE  
2 APPRECIATE YOUR DIFFICULTY; AND AS WE UNDERSTAND  
3 WHAT YOU SAY, YOU ARE GOING TO DELAY THIS DECISION  
4 AND COLLECT MORE DATA. BUT I'D LIKE TO CLARIFY THE  
5 DATA. DID YOU SAY YOU WOULD ADD THE UC DAVIS  
6 REPORT? THAT'S THE ONE --

7 BOARD MEMBER JONES: TO THE PEER REVIEW.

8 MR. STAUB: THE SCHWARTZ REPORT?

9 BOARD MEMBER JONES: RIGHT.

10 MR. STAUB: HAVE THEY BEEN ASKED TO  
11 PROVIDE A CON, OR DO YOU HAVE TO TAKE THE REPORT AT  
12 FACE VALUE?

13 BOARD MEMBER JONES: I THINK WHEN THE  
14 REPORT CAME IN, IT WAS IDENTIFIED TO THEM WHERE  
15 THERE WAS SOME QUESTIONS FROM -- THROUGH PEER  
16 REVIEW, AND THEY CHOSE TO DEAL WITH THOSE IN THEIR  
17 OWN WAY AND THEY DIDN'T. SO, YOU KNOW, THE BOARD  
18 DID NOT REJECT IT; IT DIDN'T ACCEPT IT. AND THEY  
19 HAD ALREADY PAID FOR IT. THEY HAD PAID FOR IT  
20 BEFORE THEY SAW THE PRODUCT. SO IT WILL GO THROUGH  
21 PEER REVIEW AS WELL.

22 MR. STAUB: SO IT MAY BE ACCEPTED OR  
23 MODIFIED OR WHATEVER.

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24 BOARD MEMBER JONES: EXACTLY.

25 MR. STAUB: AND THEN YOU HAD SAID YOU

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1 WOULD ALSO COLLECT OTHER INFORMATION, AND WE ASSUME  
2 THAT'S RELATIVE TO THE KINDS OF DATA THAT WE'RE  
3 BORING YOU WITH TODAY AND MAKING YOU SICK.

4 BOARD MEMBER JONES: YOU ARE NOT BORING  
5 US. BELIEVE ME, TIRES ARE ONE OF THE BIGGEST  
6 ISSUES TO COME IN HERE.

7 MR. STAUB: LOVE THE SMELL OF BURNING  
8 TIRES IN THE MORNING.

9 CHAIRMAN PENNINGTON: EACH BOARD MEMBER  
10 HAS TO SPEAK FOR HIMSELF ON THAT.

11 MR. STAUB: OKAY. SO, GAIN, THIS IS WHAT  
12 THESE THINGS ARE ABOUT, THIS COMMUNICATION THAT WE  
13 NEED. AND FRANKLY, THE RESOLUTION IS SCARY THE WAY  
14 IT'S WRITTEN. IT DOESN'T TELL US THAT WE'RE GOING  
15 TO BE PROTECTED. WE KNOW HOW KAISER HAS BEEN  
16 TRYING TO SHOVE THIS DOWN OUR THROATS LITERALLY FOR  
17 QUITE SOME TIME, AND WE'RE VERY CONCERNED.

18 THE -- SOME OF THE QUESTIONS I HAD  
19 HAVE ALREADY BEEN ANSWERED BY YOUR OPENING  
20 STATEMENTS. AND FOR EXAMPLE, I UNDERSTAND THAT THE  
21 DAMES & MOORE STUDIES WILL BE AVAILABLE. WE  
22 HAVEN'T SEEN THAT. THAT'S ANOTHER THING THAT WE  
23 HAVEN'T SEEN THAT MAKES US WONDER WHAT YOUR

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24 RATIONALE IS IN MOVING FORWARD WITH THIS  
25 RESOLUTION. SO WE'D LIKE TO SEE THAT AND

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1 UNDERSTAND THE RATIONALE, AND THERE MUST BE  
2 SOMETHING IN THERE THAT WE DON'T CLEARLY  
3 UNDERSTAND.

4 I'D ALSO LIKE TO UNDERSTAND IF ANYONE  
5 KNOWS WHAT THE TERM "DIRECTING GOVERNMENTAL  
6 RELATIONS FOR THE NATIONAL RUBBER MANUFACTURERS  
7 ASSOCIATION" MEANS. HOW WOULD YOU -- CAN YOU  
8 DESCRIBE THAT TERM? DOES ANYONE -- IS ANYONE  
9 FAMILIAR WITH THAT TERM?

10 CHAIRMAN PENNINGTON: WHAT IS THAT TERM  
11 FROM?

12 MR. STAUB: WELL, THAT TERM IS FROM YOUR  
13 BIOGRAPHY. WITH ALL DUE RESPECT, WE'RE WONDERING  
14 HOW YOU CAN REMAIN EMOTIONALLY UNINVOLVED WITH THIS  
15 DECISION-MAKING PROCESS WHILE HAVING SPENT 15 YEARS  
16 IN THAT CAPACITY. THAT'S WHY I ASKED WHAT THE  
17 DEFINITION OF THAT IS.

18 CHAIRMAN PENNINGTON: I THINK THAT, NO. 1,  
19 IT WASN'T 15 YEARS. IT WAS MORE LIKE ABOUT SIX  
20 YEARS. AND I THINK I'M AN HONORABLE PERSON, AND I  
21 THINK MY COMPASSION CAN BE WHERE I THINK IT'S THE  
22 BEST PLACE FOR.

23 MR. STAUB: YOU CAN REMAIN OBJECTIVE IS

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24       WHAT YOU ARE SAYING.

25                   CHAIRMAN PENNINGTON:   CERTAINLY.

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1                   MR. STAUB: I'M NOT TALKING ABOUT HONOR OR  
2 DISHONOR. I'M JUST TALKING ABOUT EMOTIONAL  
3 INVOLVEMENT. YOU MIGHT WANT TO CHECK YOUR  
4 BIOGRAPHY ON THE WEB PAGE. I THINK THAT'S WHERE  
5 THE 15 YEARS CAME FROM.

6                   CHAIRMAN PENNINGTON: OKAY.

7                   MR. STAUB: AND AGAIN, WE ALSO WOULD  
8 ASSUME THAT THE TIRE INDUSTRY, THE OIL INDUSTRY,  
9 THE ASPHALT INDUSTRY, AND ALL THESE OTHER PEOPLE  
10 ARE GOING TO BE AGAINST THE USE OF TIRES. I'M  
11 SORRY. THE USE OF TIRES IN CONSTRUCTION. IN OTHER  
12 WORDS, THE REUSE -- THE TRUE RECYCLING OF TIRES.  
13 THE TIRE COMPANIES AREN'T GOING TO LIKE THAT. THE  
14 ASPHALT COMPANIES MAKE THEIR MONEY ON ASPHALT AND  
15 SO ON AND SO FORTH. SO THAT'S WHY WE'RE CONCERNED  
16 ABOUT OBJECTIVITY HERE AND OTHER INDUSTRIES BEING  
17 INVOLVED IN THIS DIVISION. WE DON'T SEE HOW THEY  
18 CAN STAY OUT OF IT.

19                   AND FINALLY, JUST ONE MORE STATISTIC  
20 FOR YOU. IT TAKES 22 GALLONS OF OIL TO MAKE A  
21 TIRE. IT ONLY TAKES 7 GALLONS TO MAKE A RETREAD.  
22 ALL OF THE DISCUSSIONS, AND SOMEBODY HAD MENTIONED  
23 THE BURNING OF THE STEEL. THE STEEL WAS NOT REALLY



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24     ADDRESSED IN THESE STUDIES.   WE DON'T KNOW EXACTLY  
25     WHAT HAPPENS TO THE STEEL IN A RADIAL PLY STEEL

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1 TIRE.

2                   THERE ARE 4 POUNDS OF STEEL IN EVERY  
3 TIRE. THERE SEEMS TO ME TO BE SOME WAY THAT THAT  
4 SHOULD BE REUSED RATHER THAN INCINERATED. SO  
5 AGAIN, THE BOTTOM LINE IS THAT WE DON'T FEEL THAT  
6 KAISER'S KILN, AS MODERN AS IT MAY BE AND AS  
7 EXHAUSTIVE AS THEIR TEST WAS, IS CAPABLE OF DOING A  
8 GOOD JOB IN THE INCINERATION OF TIRES. AND WE KNOW  
9 YOU CAN'T STOP THEM FROM DOING THAT, BUT THAT'S OUR  
10 CONCERN.

11               BOARD MEMBER JONES: MR. CHAIRMAN, CAN I  
12 ADDRESS JUST -- I WANT TO JUST ANSWER A COUPLE OF  
13 THINGS YOU SAID. ON THE METAL PART, I THINK ONE OF  
14 THE THINGS, WHEN YOU MAKE -- WHEN YOU USE TIRES AT  
15 A CEMENT KILN IS THAT THERE IS NO RESIDUAL.

16               MR. STAUB: THAT'S WHAT THEY SAY.

17               BOARD MEMBER JONES: THE ASH AND STUFF --  
18 SEE, THEY HAVE TO ADD STEEL TO THE CONCRETE. SO  
19 WHAT THEY DO IS THEY ADD BACK IN THE, YOU KNOW, THE  
20 ASH AND THE BELT, JUST TO ANSWER THAT QUESTION.

21               THE NO. 7, AND THIS IS PROBABLY MY  
22 FAULT -- NOT NO. 7, BUT THE WHEREAS THAT YOU HAD  
23 TALKED ABOUT THAT SOUNDED BLANKET, AND I KNOW

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24 ANOTHER BOARD MEMBER WONDERED, THOUGHT IT WAS

25 BLANKET. WHEREAS, FACILITIES USING TIRES AS A FUEL

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1 SUPPLEMENT HAVE BEEN TESTED AND THEIR EMISSIONS  
2 HAVE BEEN FOUND TO BE WITHIN REGULATORY STANDARDS  
3 AND MAY RESULT IN OVERALL REDUCTIONS. WHAT THAT --  
4 WHAT WE WERE TRYING TO DO WITH THAT ONE IS TO  
5 COMPLETELY CLARIFY THIS RESOLUTION BY SAYING IF A  
6 FACILITY WENT THROUGH THE TESTING AND IT WAS WITHIN  
7 THE STANDARDS, YOU KNOW, I MEAN WAS WITHIN  
8 EVERYTHING THAT THE AIR BOARD HAD SET UP BECAUSE  
9 THOSE AREN'T OUR STANDARDS, THEY'RE AIR STANDARDS,  
10 THEN AT THAT POINT WE WOULD, YOU KNOW, DO -- IF WE  
11 WERE CALLED ON TO BE A RESOURCE AND TO ENDORSE, YOU  
12 KNOW, THE USE OF TIRES, THAT'S WHEN WE'D BE  
13 INVOLVED.

14 IF IT WENT THROUGH A TEST PROGRAM AND  
15 DIDN'T MEET THE STANDARDS OR IF IT WAS, YOU KNOW,  
16 WHATEVER, THEN WE WOULDN'T BE THERE. SO I THINK I  
17 HAVE TO MAKE SURE THAT THIS IS CLEAR BECAUSE WHAT  
18 WE WERE TRYING TO DO IN THAT WAS BE SPECIFIC, THAT  
19 YOU GO THROUGH THIS CRITERIA, THEN WE'LL ENDORSE  
20 THE USE FROM A STATEWIDE LEVEL AND BE AT THOSE  
21 HEARINGS, BE AT THE MEETINGS, AND BE A RESOURCE ON  
22 THAT, NOT AN ADVOCATE. IN YOUR CASE, NOT AN  
23 ADVOCATE FOR THE KAISER PLANT. AND THAT'S, FROM

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24 WHAT WE UNDERSTAND, A DEAD ISSUE, BUT LET'S SAY --

25 PICK SOMEWHERE ELSE, YOU KNOW, OUT IN WHEREVER.

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1                   MR. STAUB: WE WONDER IF IT'S DEAD. WE  
2                   WONDER IF THEY DIDN'T JUST GIVE UP TO PLEASE THE  
3                   PUBLIC, KNOWING THAT THIS WAS GOING TO HAPPEN AT  
4                   THIS LEVEL.

5                   BOARD MEMBER JONES: THIS DOESN'T DO --  
6                   THAT'S THE MISUNDERSTANDING HERE. THIS DOESN'T LET  
7                   THEM GET IT.

8                   MR. STAUB: BY PASSING IT?

9                   BOARD MEMBER JONES: NO, ABSOLUTELY NOT.

10                  CHAIRMAN PENNINGTON: WE'RE NOT TAKING ANY  
11                  AUTHORITY AWAY FROM THE LOCAL LEVEL.

12                  BOARD MEMBER JONES: NONE.

13                  MR. STAUB: SO AN EIR IS STILL POSSIBLE OR  
14                  STILL MAY BE REQUIRED TO DO THIS.

15                  BOARD MEMBER JONES: THIS STRICTLY SAYS,  
16                  BASED ON THE THINGS THAT WE HAVE SEEN, WHERE A  
17                  LOCAL FACILITY HAS TESTED, AND THAT NUMBERS FALL  
18                  WITHIN THE TEST LIMITS, WHERE THE MODIFICATION CAN,  
19                  YOU KNOW, BE GRANTED, WE SUPPORT THE USE OF TIRES  
20                  AS TIRE-DERIVED FUEL TO HELP ELIMINATE THE  
21                  ENVIRONMENTAL DISASTER OUT THERE WAITING TO HAPPEN.  
22                  WE SEE IT AS A WAY TO HAPPEN.

23                  WE'RE NOT ADVOCATING GO TO CUPERTINO,

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24 GO -- I DON'T KNOW WHERE THEY'RE ALL AT. YOU KNOW

25 WHAT I MEAN? WE'RE NOT ADVOCATING THAT. WE ONLY

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1 HAVE THREE IN THE STATE RIGHT NOW THAT ARE USING  
2 TIRES, AND THOSE THREE ARE ELIMINATING HUGE PARTS  
3 OF OUR TIRE PROBLEM. SO WE ARE GREEDY AND THINK,  
4 YOU KNOW, IF WE HAD -- IF WE COULD GET RID OF IT,  
5 THEN ALL THESE PEOPLE WOULDN'T BE LOOKING AT 64  
6 MILLION TIRES. WE CAN'T GET THERE UNLESS WE DO  
7 SOMETHING LIKE THIS, BUT BY NO MEANS IS THIS  
8 DIRECTED TOWARDS ANY SPECIFIC PLANT. AND I WILL --  
9 I MEAN ABSOLUTELY.

10 BOARD MEMBER RELIS: MR. CHAIR, IF I  
11 COULD, I WOULD JUST LIKE TO SAY TOO. WE'RE TALKING  
12 ABOUT THIS WITHOUT THE BENEFIT EVEN -- BECAUSE THIS  
13 IS GOING TO BE DEALT WITH NOW IN A PEER REVIEW,  
14 BUT, BELIEVE ME, THERE WAS GOING TO BE BOARD  
15 DISCUSSION ABOUT THE POLICY THAT HAS BEEN. IT'S A  
16 PROPOSED POLICY. IT IS NOT AN ADOPTED POLICY. IT  
17 IS A PROPOSED POLICY.

18 AND SO WHEN WE HAVE SUCH PROPOSALS,  
19 WE USUALLY GET INTO A DISCUSSION OF WHAT VARIOUS  
20 BOARD MEMBERS MIGHT THINK ABOUT THE WAY IT'S  
21 WORDED, WHAT ARE THE CONSEQUENCES OF THIS. SO I  
22 JUST WANTED TO MAKE SURE YOU UNDERSTAND THAT WE  
23 HAVE THOSE DISCUSSIONS.



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24 MR. STAUB: SO THE DETAILS COULD BE FILLED  
25 IN AT A LATER DATE IS WHAT YOU'RE SAYING BEFORE

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1 IT'S A POLICY.

2 BOARD MEMBER RELIS: WHAT I'M SAYING IS  
3 NOW WE VOTED TO PASS THIS TO PEER REVIEW. THAT  
4 WOULD COME -- WE WOULD GET THE BENEFITS OF THE PEER  
5 REVIEW. AND FOR US -- I MEAN WE'RE NOT THE AIR  
6 EXPERTS. IT'S CLEAR WE'RE RELYING ON OTHER PARTIES  
7 THAT WE HAVE TO RELY ON. EVERY REGULATORY BOARD IN  
8 CALIFORNIA RELIES ON OTHER EXPERTS TO MAKE  
9 JUDGMENTS THAT INFORM OUR DECISION MAKING. SO WE'D  
10 BE LOOKING TO WHAT DOES THE STATE AIR RESOURCES  
11 BOARD SAY? WHAT DO THE REGIONAL AQMD'S SAY AND  
12 OTHER SOURCES?

13 WE -- AT SOME POINT WE HAVE TO SAY  
14 THERE HAS BEEN A PEER REVIEW THOUGH, AND WHAT ARE  
15 THE FINDINGS OF THAT PEER REVIEW? AND THEN IT  
16 COMES BACK TO US. AND WE MIGHT -- YOU MAY BE  
17 READING IN SOMETHING THAT WE DIDN'T PERCEIVE IN THE  
18 WAY IT'S FRAMED. I CERTAINLY DIDN'T THINK THAT THE  
19 WAY THIS POLICY WAS COMING FORWARD, THAT IT  
20 PROVIDED LOCAL PERMIT APPROVAL BY ANY STRETCH.

21 MR. STAUB: WELL, THERE'S LANGUAGE  
22 RELATIVE TO STREAMLINING THE PROCESS AND SO FORTH.  
23 AND WHAT WE'D BEEN COUNTING ON IS WHEN KAISER

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24     APPLIED, WE'D FORCE AN EIR.   THIS LOOKED LIKE IT

25     COULD AVOID THAT, AND THAT'S WHAT ONE OF THE

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1 PREVIOUS TALKS WERE ABOUT.

2 BOARD MEMBER RELIS: I DON'T BELIEVE THAT  
3 WE HAVE ANY ABILITY --

4 CHAIRMAN PENNINGTON: HAS NOTHING TO DO  
5 WITH THE LOCAL PERMITTING.

6 MR. STAUB: I UNDERSTAND, BUT IT DOES SAY  
7 SPECIFICALLY PERMIT CONSOLIDATION PILOT PROJECT,  
8 AND IT TALKS ABOUT STREAMLINING THE PROCESS.

9 MS. TOBIAS: I THINK MAYBE MS. TRGOVCICH  
10 IS GOING TO ADDRESS THAT, BUT I CAN ALSO SAY IT HAS  
11 TO DO WITH A STATE PERMIT. IT'S ALSO A STATUTE  
12 THAT'S CURRENTLY ON THE BOOKS THAT ALLOWS ANYBODY  
13 TO REQUEST THAT TYPE OF EXPEDITING IN A PERMIT  
14 PROCESS. SO THIS SIMPLY SAYS THAT THE BOARD MAY,  
15 IF THE BOARD SO WISHES, ENCOURAGE THESE TYPES OF  
16 APPLICANTS TO PURSUE THAT OPTION, WHICH IS ALREADY  
17 IN STATE LAW.

18 BOARD MEMBER CHESBRO: BUT WE WON'T BE  
19 ADVOCATES.

20 MS. TOBIAS: I MIGHT ALSO SAY FROM THE  
21 CEQA SIDE OF IT THAT I DON'T VIEW ANYTHING IN THIS  
22 RESOLUTION AS TAKING ANYTHING AWAY FROM THE LOCAL  
23 PERMIT PROCESS OR IN ANY WAY INTERFERING WITH THE

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24 EVALUATION OR THE COMPLIANCE WITH CEQA AT THE LOCAL  
25 LEVEL.

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1                   I THINK IT DOES TRY -- THE IDEA IS TO  
2   TRY TO PROVIDE INFORMATION, WHICH I THINK IS IN  
3   LINE WITH THE CEQA PROCESS, THAT IT WOULD BE TO THE  
4   EXTENT POSSIBLE, WHETHER OR NOT PEOPLE AGREE, THAT  
5   IT WOULD PROVIDE AN IMPARTIAL OR A COMPILATION OF  
6   INFORMATION THAT COULD BE USED BY ENVIRONMENTAL  
7   DOCUMENTS COMPLYING WITH CEQA.

8                   MR. STAUB:   ALL RIGHT.   I JUST HAD ONE  
9   THING THAT YOU MADE ME THINK OF AGAIN.   YOU HAD  
10   SAID EARLIER THAT YOU WILL GET CONCERNED WHEN A  
11   CERTAIN LEVEL OF CARCINOGENS EXCEEDS THE EPA  
12   VALUE.   AND AGAIN, WE HAVE TO TRUST THAT THAT DATA  
13   IS PUT TOGETHER CORRECTLY AND THAT THE EPA VALUE IS  
14   CORRECT AND SO FORTH.

15                   RIGHT NOW KAISER IS RUNNING AROUND  
16   FOUR TO EIGHT DEATHS PER THOUSAND OR CANCER RISKS  
17   PER MILLION -- I'M SORRY -- FOUR TO EIGHT CANCER  
18   RISKS PER MILLION.   AND I SAY FOUR TO EIGHT BECAUSE  
19   IT DEPENDS ON WHO DOES THE ANALYSIS.   BURNING OF  
20   TIRES ADDS 1.9 AND MAYBE MORE DEPENDING ON THE  
21   OUTPUT OF THE SYSTEM.

22                   BECAUSE IT'S LESS THAN TWO, THERE MAY  
23   NOT BE AN EIR.   THAT'S THE KIND OF THING THAT WE'RE

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24 DEALING WITH. BECAUSE IT'S ONLY 1.9, NOT 2, AND

25 I'VE NEVER SEEN A NINTH OF A HUMAN BEFORE, THERE

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1 MIGHT NOT BE ANY -- AND THAT'S THE AIR BOARD'S  
2 POSITION. SORRY, NOT ENOUGH DEAD PEOPLE. OKAY.

3 SO IF THEY WANT TO VOLUNTEER THE 1.9  
4 PEOPLE TO COME DOWN AND BREATHE THIS FOR 70 YEARS,  
5 THAT'S FINE, BUT RIGHT NOW WE DON'T THINK THAT'S  
6 GOING TO HAPPEN. SO THOSE ARE THINGS WE'RE  
7 CONCERNED ABOUT. THANK YOU.

8 CHAIRMAN PENNINGTON: WE'RE GOING TO TAKE  
9 ABOUT A FIVE-MINUTE BREAK HERE.

10 (RECESS TAKEN.)

11 CHAIRMAN PENNINGTON: SHALL WE GET BACK TO  
12 WORK HERE, FOLKS. WE'VE STILL GOT SEVERAL PEOPLE  
13 WHO WANT TO ADDRESS US. NEXT WE HAVE TOM FAUST.

14 MS. SETHE: MR. FAUST IS UNABLE TO COME.  
15 I'M SPEAKING IN HIS BEHALF.

16 CHAIRMAN PENNINGTON: OKAY. AND YOUR NAME?

17 MS. SETHE: MY NAME IS RUTH SETHE.

18 HE REQUESTED THAT THIS BE, AS HE  
19 SAID, THE FOLLOWING TESTIMONY BE A PART OF THE  
20 RECORD. HE IS FROM THE REDWOOD RUBBER COMPANY.

21 OUR COMPANY SUCCESSFULLY COMPLETED A  
22 TWO-YEAR RESEARCH GRANT PARTIALLY FUNDED BY THE  
23 IWMB FUNDING UNDER CONTRACT TR 941081-21. THE



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24 GRANT INVOLVED PIONEERING DEVELOPMENTAL RESEARCH  
25 INTO THE POSSIBILITY OF MAKING HIGH VALUE-ADDED

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1 INJECTION MOLDED CONSUMER INDUSTRIAL PRODUCTS OUT  
2 OF THE HUNDRED PERCENT RECYCLED TIRE CRUMB RUBBER.  
3 THE GRANT CONCLUDED THAT IT WAS  
4 TECHNICALLY AND ECONOMICALLY POSSIBLE TO  
5 EXPONENTIALLY INCREASE THE RECYCLING OF TIRES INTO  
6 HIGH VALUE-ADDED PRODUCTS WHICH WOULD RESULT IN THE  
7 ELIMINATION OF ABOUT 10 MILLION OF CALIFORNIA'S  
8 ANNUAL SCRAP TIRE PRODUCTION.  
9 THE GRANT CONCLUDED THAT THE ONLY  
10 IMPEDIMENT OF ACHIEVEMENT OF THIS GOAL WAS THE  
11 NONAVAILABILITY OF SIGNIFICANT HIGH QUALITY  
12 DEVULCANIZED TIRE RUBBER. THE RECOMMENDATION WAS  
13 THAT ADDITIONAL RESEARCH FUNDS BE SPENT TO  
14 STIMULATE, JUMP START THE PRODUCTION OF  
15 DEVULCANIZED TIRE CRUMB RUBBER. STEAM AUTOCLAVE  
16 AND ULTRASONIC DEVULCANIZED TIRE RUBBER TESTED TO  
17 BE SIGNIFICANTLY STRONGER AND MORE ECONOMICAL AS A  
18 STRUCTURAL BUILDING MATERIAL THAN CRUMB RUBBER  
19 COATED WITH OTHER POLYMERS OR CHEMICALS. THE  
20 TYPICAL CRUMB RUBBER PRODUCED IN CALIFORNIA IS  
21 VULCANIZED TIRE CRUMB RUBBER. THIS RUBBER MARKET  
22 IS NEAR SATURATION. NO ADDITIONAL VULCANIZED CRUMB  
23 RUBBER CAPACITY NEEDED IN THIS MARKET.

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24                               THERE IS CURRENTLY NO CAPABILITY OR  
25   CAPACITY TO PRODUCE DEVULCANIZED TIRE CRUMB RUBBER

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1     IN CALIFORNIA.   THEREFORE, THIS SHOULD BE THE FOCUS  
2     OF THE NEXT SERIES OF RESEARCH FUNDED PROJECTS.

3                   THE RECENT TEXAS EXPERIMENT IN  
4     CREATING OVER \$60 MILLION IN SUBSIDIZED FUNDING FOR  
5     PILES OF TDF TIRE CHIPS AND CRUMB RUBBER WAS A  
6     FAILURE.   AND WE URGE THIS BOARD TO AVOID THE  
7     MISTAKES THAT HAPPENED IN TEXAS.   THE TEXAS  
8     EXPERIENCE NEVER CREATED ANY SUSTAINABLE, VALUABLE  
9     ADDED PRODUCTS INDUSTRY.

10                  WE HAVE INDEPENDENTLY CONCLUDED THAT  
11     TIRE BURNING CONTRIBUTES TO GLOBAL WARMING, CAN  
12     CAUSE AIR POLLUTION AND HEALTH PROBLEMS, AND IS A  
13     WASTEFUL DESTRUCTION OF A RECYCLABLE RESOURCE.   WE  
14     THEREFORE ENCOURAGE THE BOARD TO ADOPT A POLICY AND  
15     PROGRAM THAT WILL CEASE ALL TIRE BURNING WITHIN  
16     CALIFORNIA IN FOUR YEARS.

17                  CALIFORNIA CITIZENS HAVE CONTRIBUTED  
18     A DISPROPORTIONATE AMOUNT, OVER \$30 MILLION, IN  
19     SUBSIDIZING TIRE BURNING IN CALIFORNIA OVER THE  
20     PAST TEN YEARS.   ONLY A FRACTION OF THIS AMOUNT HAS  
21     BEEN SPENT ON TIRE RECYCLING PRODUCTS.

22                  WE ENCOURAGE A NEW PROGRAM, A DEMAND  
23     PULL STRATEGY WHICH STIMULATES DEMAND FOR RECYCLED

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24 TIRE PRODUCTS. UNDER THIS PROGRAM NO SUBSIDY WOULD  
25 BE PAYABLE FOR ANY TIRE BURNING. NO SUBSIDY WOULD

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1 BE PAYABLE JUST FOR THE MANUFACTURE OF VULCANIZED  
2 CRUMB RUBBER. A FIVE-YEAR SUBSIDY WOULD BE ONLY  
3 AVAILABLE FOR PRODUCT MANUFACTURERS WHICH  
4 INCORPORATE SIGNIFICANT AMOUNTS OF TIRE RUBBER INTO  
5 FURNISHED GOODS. FOR EXAMPLE, UNDER 49 PERCENT  
6 SCRAP TIRE RUBBER CONTENT, 4 CENTS A POUND SUBSIDY.  
7 OVER 50 PERCENT SCRAP TIRE RUBBER CONTENT, 8 CENTS  
8 A POUND SUBSIDY. THE HIGHER AMOUNT OF SUBSIDY IS  
9 REQUIRED TO OFFSET THE ADDITIONAL EQUIPMENT COST  
10 INCURRED BY REENGINEERING A MANUFACTURING PLANT TO  
11 INCORPORATE 50 PERCENT PLUS QUANTITIES OF CRUMB  
12 RUBBER IN THEIR PRODUCT.

13 UNDER THIS STRATEGY, ONLY THE  
14 MANUFACTURER OF A FINAL CONSUMER OR INDUSTRIAL  
15 PRODUCT IS ELIGIBLE TO APPLY FOR THE SUBSIDY.

16 SINCERELY, TOM FAUST.

17 BOARD MEMBER RELIS: POINT OF  
18 CLARIFICATION. I THINK, IF I'M NOT MISTAKEN, THE  
19 30 MILLION SUBSIDY THAT YOU ARE STATING, IT MUST --  
20 I CAN ONLY THINK OF THAT BEING THE ENERGY SUBSIDY  
21 EMBODIED IN STANDARD OFFER 4 BECAUSE THIS BOARD  
22 CERTAINLY HAS NOT COMMITTED, NOT EVEN REMOTELY, TO  
23 THAT NUMBER. SO I DON'T KNOW WHERE THAT NUMBER

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24 COMES FROM.

25 CHAIRMAN PENNINGTON: SHE'S JUST READING

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1 THE STATEMENT.

2 BOARD MEMBER RELIS: I JUST THINK YOU --

3 CHAIRMAN PENNINGTON: I THINK THAT'S IT.

4 THANK YOU, MS. SETHE. OKAY. NEXT WE HAVE BONNIE  
5 HOLMES-GEN.

6 MS. HOLMES-GEN: GOOD AFTERNOON. MY NAME  
7 IS BONNIE HOLMES-GEN. I'M A SENIOR LOBBYIST WITH  
8 SIERRA CLUB CALIFORNIA, AND I'M HERE ON BEHALF OF  
9 SIERRA CLUB CALIFORNIA AND ON BEHALF OF THE LOMA  
10 PRIETA CHAPTER OF THE SIERRA CLUB. AND WE ARE HERE  
11 TO STRONGLY OPPOSE THE BOARD RESOLUTION, PROPOSED  
12 RESOLUTION, SUPPORTING THE BURNING OF WASTE TIRES  
13 IN CEMENT KILNS AND COGENERATION FACILITIES.

14 WE BELIEVE THE PROPOSED POLICY IS  
15 COUNTER TO THE MISSION OF THE STATE WASTE BOARD IN  
16 THE PUBLIC RESOURCES CODE SECTION 40051, 40052. IN  
17 THOSE SECTIONS, THE LAW CLARIFIES THE BOARD'S  
18 MISSION TO PROMOTE SOURCE REDUCTION, RECYCLING, AND  
19 COMPOSTING BEFORE TRANSFORMATION OR BURNING LAND  
20 DISPOSAL.

21 PROPOSING TO SUPPORT THE DIVERSION OF  
22 THOUSANDS OF TIRES EVERY YEAR TO INCINERATION  
23 FACILITIES PLACES BURNING ABOVE TRUE RECYCLING AND



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24     REDUCES THE MARKET OPPORTUNITIES FOR BUSINESSES  
25     THAT CAN RECYCLE THE TIRES INTO USEFUL PRODUCTS,

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1     SUCH AS RUBBERIZED ASPHALT, RETREADING, PLAYGROUND  
2     SURFACES, SOUND BARRIER PANELS, REPLACEMENTS FOR  
3     ALL STEEL GUARDRAILS, ROOFING PRODUCTS, ETC.

4                     WE BELIEVE THAT TIRE BURNING CANNOT  
5     BE CONSIDERED ENVIRONMENTALLY SAFE TRANSFORMATION  
6     IN ANY WAY.  MANY STUDIES OF TIRE BURNING EMISSIONS  
7     DEMONSTRATE THAT DANGEROUS CHEMICALS ARE RELEASED  
8     INTO THE AIR WHEN TIRES ARE BURNED.  YOU'VE HEARD  
9     TESTIMONY EXPLAINING THE INCREASES IN EMISSIONS  
10    THAT HAVE BEEN DOCUMENTED THROUGH TEST STUDIES ON  
11    TIRE BURNING KILNS.

12                    UNFORTUNATELY YOUR STAFF REPORT  
13    IMPLIES THAT THE PUBLIC'S CONCERNS ABOUT TIRE  
14    BURNING CAN BE ALLEVIATED THROUGH PUBLICIZING DATA  
15    ON EMISSIONS FROM TIRE-DERIVED FUEL, BUT THIS IS  
16    NOT THE CASE.  PUBLISHED DATA IS AVAILABLE WHICH  
17    CLEARLY DEMONSTRATES THE PUBLIC HEALTH THREAT FROM  
18    THE INCREASED LEVELS OF TOXIC EMISSIONS.

19                    OUR BASIC CONCERNS ARE, NO. 1, THAT  
20    INCINERATION IS NOT TRUE RECYCLING AND THAT TRUE  
21    RECYCLING IS A MISSION, AND THE TOP PRIORITY --  
22    SHOULD BE THE TOP PRIORITY OF THE WASTE BOARD.  
23    INCINERATION IS NOT TRUE RECYCLING.  IT'S A

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24 ONE-TIME CONVERSION THAT PRODUCES INCREASES IN  
25 KNOWN CARCINOGENS AND POSES SIGNIFICANT HEALTH

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1     THREATS.

2                     WE BELIEVE THE BOARD SHOULD BE  
3     DEVOTING SCARCE FINANCIAL RESOURCES TO SOURCE  
4     REDUCTION AND TRUE RECYCLING INSTEAD OF THE  
5     PROPOSED POLICY TO ASSIST IN BURNING TIRES. WE  
6     BELIEVE THE WASTE BOARD SHOULD BE SUPPORTING  
7     OPPORTUNITIES THAT ARE AVAILABLE TO UTILIZE WASTE  
8     TIRES IN THE MANUFACTURE OF MATERIALS. FOR  
9     INSTANCE, AUTOS AND LIGHT TRUCKS MAKE UP 80 PERCENT  
10    OF THE TIRE USAGE, BUT ONLY REPRESENT 10 PERCENT OF  
11    THE RETREAD USERS.

12                    WE WOULD LIKE TO SEE THE WASTE BOARD  
13    MAKE EFFORTS TO IMPROVE THE SAFETY, WEAR, AND  
14    SUITABILITY OF RETREADS AND TO ENCOURAGE THEIR USE,  
15    TO PROVIDE SUPPORT AND FINANCIAL ASSISTANCE TO  
16    REDUCE THE WEAR OF TIRES, AND TO EDUCATE PEOPLE  
17    ABOUT PROPER TIRE ROTATION, INFLATION, AND OTHER  
18    MAINTENANCE PRACTICES TO EXTEND TIRE LIFE.

19                    IN ADDITION, THE BOARD SHOULD BE  
20    DEVELOPING REGULATORY POLICIES AND PROPOSED  
21    LEGISLATION TO ASSIST THE MANY OTHER VIABLE  
22    RECYCLING PROJECTS THAT CAN USE WASTE TIRES, SUCH  
23    AS THE USE OF RUBBERIZED ASPHALT IN ROAD PAVING

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24     PROJECTS.   MY UNDERSTANDING IS THAT ONLY ABOUT 6 OR  
25     7 PERCENT PAVING PROJECTS IN THE STATE DO USE

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1 RUBBERIZED ASPHALT.

2 OUR MAJOR CONCERN, OF COURSE, IS THAT  
3 TIRE BURNING POSES SERIOUS ENVIRONMENTAL THREATS TO  
4 THE PUBLIC. YOU HAVE HEARD MUCH TESTIMONY ABOUT  
5 THIS. YOU'VE HEARD ABOUT THE -- I'VE HEARD FROM  
6 SOMEWHERE BETWEEN 4 AND 8 POUNDS OF STEEL,  
7 DIFFERING NUMBERS, THAT ARE BURNED IN EACH TIRE  
8 WHICH CREATES TOXIC EMISSIONS.

9 IT'S IMPORTANT TO REMEMBER THAT WE  
10 DON'T FULLY UNDERSTAND THE HEALTH AND ENVIRONMENTAL  
11 IMPACTS OF ALL THE TOXINS THAT ARE RELEASED FROM  
12 TIRE BURNING. YOU'VE TALKED ABOUT THE REGULATORY  
13 STANDARDS, AND YOU'RE TRYING TO FOLLOW THE AIR  
14 BOARD'S REGULATORY STANDARDS AND EPA STANDARDS.  
15 AND I WOULD JUST COMMENT THAT THE AIR BOARD, THE  
16 STATE AIR BOARD, ONLY HAS TOXIC AIR CONTAMINANT  
17 STANDARDS FOR 19 CHEMICALS, AND THERE ARE MANY  
18 CHEMICALS RELEASED FROM TIRE BURNING WHERE THERE  
19 ARE TOXIC AIR CONTAMINANT THRESHOLDS ESTABLISHED,  
20 AND THERE ARE NOT STATE ADOPTED RISK ASSESSMENT  
21 STUDIES, SO THERE'S A GAP IN INFORMATION.

22 AND THERE ARE STUDIES THAT ARE  
23 ONGOING TO BETTER UNDERSTAND THE POTENTIALLY

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24     DRAMATIC ADVERSE IMPACTS OF EMERGING THREATS,

25     EMERGING HEALTH THREATS, SUCH AS ESTROGEN MIMICKING

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1 COMPOUNDS AND ENDOCRINE DISRUPTERS, WHICH ARE ALSO  
2 EMITTED THROUGH TIRE BURNING. THE DIOXINS THAT ARE  
3 EMITTED FROM TIRE BURNING ARE VERY SERIOUS, AND A  
4 RECENT EPA STUDY CONCLUDED THAT THESE CHEMICALS  
5 PRESENT AN EVEN GREATER CANCER RISK AND  
6 REPRODUCTIVE HEALTH TOXICITY THAN PREVIOUSLY  
7 BELIEVED. WE DON'T BELIEVE ALL THIS INFORMATION  
8 HAS BEEN TAKEN INTO ACCOUNT.

9 THE STAFF REPORT TALKED ABOUT DOING  
10 FURTHER STUDIES ON TIRE BURNING EMISSIONS, AND WE  
11 APPRECIATE THE INTEREST IN DOING MORE STUDY, BUT WE  
12 BELIEVE THAT THE EFFORTS WOULD BE BETTER PLACED  
13 INTO LOOKING AT THE HEALTH EFFECTS TO COMMUNITIES  
14 THAT LIVE NEAR TIRE BURNING FACILITIES. WE HAVE A  
15 LOT OF INFORMATION ON THE STACKS -- FROM THE STACK  
16 TESTING ABOUT THE EMISSIONS FROM THE FACILITIES,  
17 BUT THERE HASN'T BEEN MUCH WORK TO DELVE INTO THE  
18 ACTUAL HEALTH IMPACTS THAT ARE BEING EXPERIENCED BY  
19 THE LOCAL COMMUNITIES.

20 SO WE BELIEVE THAT THE BOARD'S FUNDS  
21 SHOULD BE MONITORING HEALTH IMPACTS OF THE LOCAL  
22 COMMUNITIES THAT LIVE NEAR THESE FACILITIES.

23 THESE ARE THE VERY SERIOUS CONCERNS



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24 OF THE SIERRA CLUB AND LOMA PRIETA CHAPTER HAVE  
25 ABOUT THE BURNING OF TIRES, AND WE DO ASK YOU TO

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1 REJECT THE STAFF PROPOSAL, WHICH WOULD ASSIST THE  
2 USE OF TIRE-DERIVED FUEL IN CEMENT KILNS AND  
3 COGENERATION FACILITIES.

4 CHAIRMAN PENNINGTON: THANK YOU. ANY  
5 QUESTIONS? THANK YOU. NOW LESLIE FOWLER.

6 MS. FOWLER: YOU KNOW, BEFORE I START, I  
7 JUST WANT TO READ JUST A COUPLE OF QUOTES FROM YOUR  
8 COMMITTEE RECOMMENDATION BECAUSE IT SEEMS TO ME  
9 LIKE WE'RE TALKING TWO DIFFERENT THINGS. HERE'S A  
10 SENTENCE, THE PRIMARY BARRIERS TO THE USE OF  
11 TIRES -- OH, I SHOULD INTRODUCE MYSELF FIRST. HI.  
12 I'M LESLIE FOWLER, AND I'M FROM CUPERTINO,  
13 CALIFORNIA. AND I'M HERE ON BEHALF OF WEST VALLEY  
14 CITIZENS AIR WATCH.

15 BUT IN YOUR COMMITTEE ANALYSIS, IT  
16 SAYS, THE PRIMARY BARRIERS TO THE USE OF TIRES AS A  
17 FUEL SUPPLEMENT HAVE BEEN LA-DE-DA-DE-DA, AND THE  
18 LACK OF CLEAR SUPPORT AT THE STATE LEVEL. THAT  
19 SEEMS KIND OF OBVIOUS TO ME.

20 THE BOARD HAS PROVIDED ITS SUPPORT  
21 FOR THIS TECHNOLOGY IN THE PAST WHEN THE TIRES AS A  
22 FUEL SUPPLEMENT FEASIBILITY STUDY WAS ADOPTED.  
23 THAT SOUNDS LIKE IT'S SUPPORTING IT.

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24 THE BOARD APPROVED A FY '97-'98  
25 CONTRACT CONCEPT TO PROMOTE THE USE OF TDF AND

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1 CRUMB RUBBER AT ITS APRIL MEETING. THAT SOUNDS  
2 LIKE IT WAS SUPPORTING IT.

3 AND THEN THE LAST ONE THAT I FOUND  
4 WHILE I WAS SITTING DOWN, BECAUSE THE USE OF TIRES  
5 AS A FUEL SUPPLEMENT REPRESENTS THE LARGEST TIRE  
6 RECYCLING OPTION AVAILABLE AND BECAUSE BOTH THE  
7 CEMENT MANUFACTURING AND THE COGENERATION  
8 INDUSTRIES NEED ASSISTANCE, A BOARD POLICY IN  
9 SUPPORT OF THIS USE IS RECOMMENDED. THAT SOUNDS  
10 LIKE -- EXCUSE ME, BUT THAT SOUNDS LIKE A BOARD  
11 POLICY SUPPORT FOR THE USE.

12 SO THAT'S WHY WE'RE HERE. AM I  
13 TALKING TOO LOUD OR IS THIS OKAY?

14 THE WEST VALLEY CITIZENS AIR WATCH IS  
15 TESTIFYING ON BEHALF OF 8500 CITIZENS WHO HAVE  
16 SIGNED A DECLARATION OPPOSING TIRE BURNING IN THE  
17 HILLS WHERE OUR HOMES, SCHOOLS, AND BUSINESSES ARE  
18 CURRENTLY POLLUTED BY KAISER CEMENT. AND THIS IS  
19 JUST 300 OF THE CARDS THAT WE'VE COLLECTED FROM THE  
20 SANTA CLARA COUNTY RESIDENTS WHO LIVE RIGHT BY THE  
21 KILN WITH US. I PERSONALLY LIVE TWO MILES AWAY.

22 WE ARE A GROUP OF ENGINEERS,  
23 DOCTORS, HEALTH CARE PROFESSIONALS, TEACHERS, AND

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24 CITIZENS FROM ALL WALKS OF LIFE. INCINERATION AS A  
25 MEANS OF TIRE DISPOSAL IS HAZARDOUS TO OUR HEALTH

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1     AND THE HEALTH OF OUR FAMILIES, AND WE ARE OPPOSED  
2     TO RESOLUTION 97-425.

3                     WE WERE SHOCKED AT THE FOLLOWING  
4     STATEMENT MADE BY DANIEL PENNINGTON IN ONE OF THE  
5     LETTERS THAT SAYS, "I AM NOT AWARE OF VALID  
6     SCIENTIFIC RESEARCH RELATING TO INCREASED HEALTH  
7     RISKS FROM BURNING TIRES IN VARIOUS REGULATED  
8     FACILITIES." THE DATA COLLECTED IN EXPERIMENTAL  
9     TIRE BURNING CONDUCTED BY KAISER CEMENT IN THE  
10    WINTER OF 1995-96, AS YOU'VE HEARD AGAIN AND AGAIN  
11    TODAY, SHOWS THAT 18-PERCENT INCREASE IN THE CANCER  
12    BURDEN TO THE SURROUNDING COMMUNITY. WE DO NOT  
13    NEED OR WANT THESE ADDITIONAL TOXIC EMISSIONS FROM  
14    KAISER CEMENT TO COME INTO OUR NEIGHBORHOODS.

15                    ACCORDING TO THE ANALYSIS OF THE TEST  
16    BURN DATA BY THE BAY AREA AIR QUALITY MANAGEMENT  
17    DISTRICT, TIRE BURNING AT KAISER CEMENT CAUSES  
18    INCREASES IN SEVERAL TOXIC POLLUTANTS. AND I THINK  
19    YOU GUYS PROBABLY HAVE THAT LIST MEMORIZED BY NOW.  
20    THE DIOXIN EMISSIONS INCREASE BY OVER 30 PERCENT;  
21    BENZENE INCREASES, PARTICULATES GO UP, PAH'S,  
22    POLYAROMATIC HYDROCARBONS, NITROGEN OXIDE, LEAD,  
23    MERCURY, HEXAVALENT CHROMIUM, COPPER, ZINC, THEY

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24 ALL INCREASE WITH TIRE BURNING.

25 THE INCREASED EMISSIONS AND RISKS ARE

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1 NOT SURPRISING BECAUSE MODERN SYNTHETIC RUBBER  
2 CONTAINS CERTAIN TYPES OF ORGANIC POLYMERS AS WELL  
3 AS HEAVY METALS.

4 CEMENT KILNS WERE DESIGNED FOR  
5 INCINERATION -- NOT DESIGNED FOR INCINERATION.  
6 THEY ARE DESIGNED TO MANUFACTURE CEMENT. THEY ARE  
7 NOT EQUIPPED WITH AFTERBURNERS THAT INSURE  
8 EFFICIENT AND COMPLETE COMBUSTION OF WASTE  
9 MATERIALS.

10 KAISER CEMENT IS THE LARGEST POINT  
11 SOURCE POLLUTER IN THE ENTIRE SOUTH BAY AND  
12 SINGLEHANDEDLY CONTRIBUTES 1 TO 2 PERCENT OF THE  
13 OVERALL AIR POLLUTION IN THAT AREA. FACTORIES LIKE  
14 KAISER HANSON SHOULD BE LOOKING FOR OPERATIONAL  
15 CHANGES THAT WOULD REDUCE THEIR POLLUTION, NOT  
16 LOBBYING FOR METHODS THAT WILL INCREASE IT. THIS  
17 IS ESPECIALLY TRUE IN LIGHT OF THE NEW EPA  
18 PARTICULATE STANDARDS.

19 IN THE 1992 CALIFORNIA INTEGRATED  
20 WASTE REPORT TO THE LEGISLATURE, TIRES AS A FUEL  
21 SUPPLEMENT FEASIBILITY STUDY IS A VERY INTERESTING  
22 DOCUMENT. ALTHOUGH I REQUESTED A COPY OF IT, AS  
23 WELL AS THE DAMES & MOORE REPORT, WELL OVER TWO



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24 WEEKS AGO, I HAVE NOT RECEIVED EITHER FROM YOUR  
25 OFFICE OR YOUR ORGANIZATION. BUT LUCKILY TWO DAYS

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1     AGO I GOT A COPY OF THE -- I ASSUME THIS IS THE  
2     TIRE FEASIBILITY STUDY THAT YOU ARE USING AS THE  
3     BASIS FOR YOUR RESOLUTION.

4             CHAIRMAN PENNINGTON: I CAN'T SEE IT FROM  
5     HERE, BUT I ASSUME IT IS.

6             MS. FOWLER: I'LL SHOW IT TO YOU  
7     AFTERWARDS JUST TO CONFIRM, BUT STILL WOULD LIKE A  
8     COPY OF THE DAMES & MOORE REPORT. AND WE'RE VERY  
9     IMPRESSED BY THE MANY ALTERNATIVES THAT WERE LISTED  
10    IN THE FEASIBILITY STUDY, INCLUDING THE ROAD PAVING  
11    MATERIALS, SUCH AS RUMACK (PHONETIC), WHICH  
12    GENERALLY OUTPERFORMS CONVENTIONAL ASPHALT, WHICH  
13    IS WRITTEN ON PAGE 19, AND AR, ASPHALT RUBBER, AND  
14    I QUOTE, WHILE AR CEMENT IS BEING USED SUCCESSFULLY  
15    TODAY IN SACRAMENTO, SAN JOSE, L.A. AND MANY OTHER  
16    CALIFORNIA CITIES. THE 1992 FEASIBILITY STUDY ALSO  
17    ASSERTS THAT, QUOTE, IF ALL NEW ASPHALT PAVING WAS  
18    DONE WITH AR CONCRETE, ALL OF THE WASTE TIRES COULD  
19    BE USED. AND THIS IS DUE TO UNCERTAINTIES FROM  
20    PAST TESTING AND A LACK OF CONSOLIDATED EFFORT TO  
21    PROMOTE AR USE, IT IS UNCLEAR IF OR WHEN IT WILL  
22    REACH ITS POTENTIAL, UNQUOTE, PAGE 22.

23             WHY IS THE BOARD NOT PUTTING THE

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24 TIME, MONEY, AND EFFORT INTO PROMOTING THE

25 RUBBERIZED ASPHALT?

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1                   BOARD MEMBER RELIS: MR. CHAIR, IF I  
2    COULD, I JUST FEEL LIKE YOU NEED TO KNOW ONE THING.  
3    WE JUST COMMITTED \$600,000 SEVERAL -- WELL, ABOUT A  
4    YEAR AGO, I THINK IS THE DATE, TO THE COUNTY OF LOS  
5    ANGELES TO BE OUR LOCAL TECHNICAL ASSISTANCE ARM  
6    FOR THE ADVANCING OF RUBBERIZED ASPHALT AT THE  
7    STATEWIDE LEVEL IN THE BELIEF THAT THEY HAD MORE  
8    APPLICATIONS OF SUCCESSFUL USE OF CRUMB RUBBER IN  
9    RUBBERIZED ASPHALT THAN ANY OTHER JURISDICTION THAT  
10   WE COULD RECOGNIZE.

11                   I'M NOT SAYING THIS TO PAT OURSELVES  
12   ON THE BACK, BUT I THINK WE'RE -- WE'RE VERY MUCH  
13   AWARE OF OUR NEED TO TRY AND ADVANCE THAT MARKET.  
14   AND WE'VE DONE ABOUT ALL THAT I THINK WE KNOW HOW  
15   TO DO TO DO THAT WITH THE MONIES AVAILABLE. I MEAN  
16   WE CAN'T SUBSIDIZE THE USE OF CRUMB RUBBER. WE  
17   DON'T HAVE THAT.

18                   MS. TRGOVCICH: MAYBE JUST TO SUMMARIZE,  
19   THIS YEAR IN TERMS OF PROJECTS COMMITTED TO  
20   RUBBERIZED ASPHALT CONCRETE, THEY INCLUDE THE  
21   STATEWIDE CENTER, FOR WHICH THE BOARD IS  
22   CONSIDERING THE COMMITMENT OF AN ADDITIONAL 500,000  
23   IN THE MONTH OF DECEMBER. THEY INCLUDE THE

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24 BIENNIAL CONFERENCE, WHICH FOCUSES ON ALL MANNERS  
25 OF TECHNOLOGY, INCLUDING RUBBERIZED ASPHALT

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1     CONCRETE.  THEY INCLUDE THE FOUR APPLICATION  
2     PROJECTS THAT WERE APPROVED BY THE BOARD FOR THOSE  
3     PURPOSES, AS WELL AS THE PROMOTIONAL CONTRACT,  
4     WHICH IS INTENDED TO PROMOTE CRUMB RUBBER,  
5     RUBBERIZED ASPHALT USES AROUND THE STATE.

6                 BOARD MEMBER RELIS:  JUST A POINT OF  
7     INFORMATION.

8                 MS. FOWLER:  AND THEY'VE BEEN -- I KNOW  
9     THAT L.A. WAS VERY HAPPY BECAUSE I ALSO WENT TO  
10    THAT RUBBERIZED ASPHALT WORKSHOP, AND I KNOW THAT  
11    L.A. SAID THAT THEY WERE VERY, VERY HAPPY WITH THE  
12    OUTCOME.  SO I'M JUST SURPRISED THAT CUPERTINO  
13    HASN'T EVEN HEARD OF IT.  SO --

14                BOARD MEMBER JONES:  WE'RE TRYING.

15                CHAIRMAN PENNINGTON:  I THINK IT'S FALSE  
16    TO ACCUSE US OF NOT LOOKING AT THESE SORT OF  
17    THINGS.  I MEAN WE'VE SPENT A LOT OF TIME AND A LOT  
18    OF MONEY AT LOOKING AT ALL SORTS OF DIFFERENT  
19    THINGS.  WE'RE NOT JUST TRANSFIXED ON BURNING TIRES  
20    IN CEMENT KILNS.  IT DOES SEEM TO US TO BE A SOURCE  
21    OF REDUCING A VERY SERIOUS ENVIRONMENTAL PROBLEM.  
22    BUT CERTAINLY NOT, AND I THINK THAT YOU ALL SHOULD  
23    RECOGNIZE, THAT THIS BOARD HAS MADE A SUBSTANTIAL

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24     EFFORT AT PROMOTING THE USE OF RUBBER IN ALL SORTS  
25     OF OTHER PRODUCTS AND TO TRY TO DEVELOP MARKETS,

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1 SUSTAINABLE MARKETS, FOR THE USE OF RUBBER FROM  
2 USED TIRES.

3 MS. FOWLER: LET ME ASK YOU THESE  
4 QUESTIONS. HAS THE BOARD PROVIDED REDWOOD RUBBER  
5 WITH A GRANT SO THEY CAN PURSUE THEIR DEVULCANIZING  
6 PROCESS?

7 CHAIRMAN PENNINGTON: I DON'T KNOW THAT  
8 REDWOOD RUBBER HAS EVER APPLIED.

9 MS. TRGOVCICH: REDWOOD --

10 CHAIRMAN PENNINGTON: I DON'T THINK WE'RE  
11 IN A POSITION TO BE QUESTIONED AS TO WHAT CONTRACTS  
12 AND STUFF LIKE THAT.

13 MR. FOWLER: THAT'S JUST A QUESTION. I  
14 MEAN HE SAYS HE CAN DEVULCANIZE RUBBER SO THAT IT  
15 RETAINS 85 PERCENT OF ITS VIRGIN CHARACTERISTICS,  
16 NOT A FILLER ANYMORE.

17 CHAIRMAN PENNINGTON: I DON'T MEAN TO BE  
18 ARGUMENTATIVE, BUT WE SEE PEOPLE ALL THE TIME AND  
19 THEY TELL US, THEY SAY WE CAN MAKE THESE WONDERFUL  
20 LITTLE BOXES AND IF WE COULD JUST GIVE THEM A  
21 MILLION DOLLARS OR WE COULD JUST SUPPORT THEM, IT  
22 DOESN'T WORK OUT. IT JUST DOESN'T WORK OUT.

23 MS. FOWLER: OKAY. HAVE YOU PROVIDED



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24 GRANTS AND TECHNICAL ASSISTANCE TO THE RUBBER AND  
25 PLASTIC COMPOUNDERS TO ENCOURAGE THE USE OF

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1 RECYCLED RUBBER AS A RAW MATERIAL IN MANUFACTURING?

2 BOARD MEMBER JONES: WE SPENT \$16,391,000

3 ON HAULER REGISTRATIONS, CONSULTANTS, RESEARCH,

4 EDUCATION, TRAINING, CIVIL ENGINEERING, PRODUCT

5 DEVELOPMENT, PRODUCT DEMONSTRATION, CONFERENCE

6 WORKSHOPS, EMISSION ANALYSIS, ENVIRONMENTAL MARKET

7 STUDIES, TECHNICAL ASSISTANCE AND EDUCATION,

8 PRODUCT DEVELOPMENT AND DEMONSTRATION, RAC

9 DEMONSTRATION, CIVIL ENGINEERING, RESEARCH AND

10 BUSINESS DEVELOPMENT, AMNESTY CLEANUP EDUCATION,

11 \$16 MILLION.

12 MS. FOWLER: I MEANT THE RUBBER AND

13 PLASTIC COMPOUNDERS.

14 BOARD MEMBER JONES: THAT'S ONE OF THEM.

15 MS. TRGOVCICH: MAYBE JUST IF THIS WILL

16 HELP AT ALL, IF YOU WANT TO FOCUS ON A SPECIFIC,

17 MR. FAUST SUBMITTED US A PROPOSAL. AND WE SPENT

18 TWO AND A HALF -- MAYBE THREE TO FIVE MONTHS TRYING

19 TO WORK OUT A CONFIDENTIALITY AGREEMENT SO HE COULD

20 PROVIDE US WITH THE DATA TO SUPPORT HIS PROPOSAL.

21 THAT WAS A POINT OF CONTENTION WITH HIM. WE COULD

22 NOT GET SUFFICIENT INFORMATION FROM MR. FAUST TO BE

23 ABLE TO EVALUATE HIS PROPOSAL FOR PURPOSES OF

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24      PRESENTATION TO THE BOARD.

25                      MS. FOWLER:    OKAY.    NOW, DID YOU KNOW THAT

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1 MICHELIN IS GOING TO BE COMING OUT WITH A NEW TIRE  
2 IN 1998 --

3 CHAIRMAN PENNINGTON: YES.

4 MS. FOWLER: -- THAT'S GOING TO USE 10  
5 PERCENT RECYCLED RUBBER?

6 CHAIRMAN PENNINGTON: YES.

7 MS. FOWLER: AND THAT'S UP FROM THE 3  
8 PERCENT THAT THEY ARE CURRENTLY USING?

9 BOARD MEMBER RELIS: THE PROBLEM THERE IS  
10 THEY DON'T WANT TO BUY FROM THE CALIFORNIA MARKET.  
11 WE DON'T HAVE ANY TIRE PLANTS IN THIS AREA. AND  
12 AGAIN, NOT TO BE ARGUMENT, BUT JUST TO SHOW YOU  
13 THAT WE ARE AWARE OF A NUMBER OF POSSIBILITIES. WE  
14 WOULD LOVE TO HAVE A RECYCLED-CONTENT TIRE  
15 MANUFACTURER AVAILABLE TO US, BUT WE DON'T BECAUSE  
16 THEIR PRODUCTION IS IN THE MIDWEST. IT'S NOT  
17 ATTRACTIVE FOR THEM TO BUY THE TIRES.

18 MS. FOWLER: DID YOU KNOW THAT IN 1988 --  
19 1998 THAT A BRITISH COMPANY WILL BE MARKETING  
20 EUROPEAN TIRES IN THE UNITED STATES THAT ARE  
21 DESIGNED TO BE REMANUFACTURED FOUR TIMES AND THAT  
22 THESE TIRES HAVE BEEN USED IN ENGLAND FOR OVER 20  
23 YEARS?

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24 BOARD MEMBER RELIS: THAT I DON'T KNOW.

25 CHAIRMAN PENNINGTON: IS THIS A QUESTION

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1     AND ANSWER PERIOD ON WHAT I KNOW ABOUT THE TIRE  
2     INDUSTRY? I CAN TELLING YOU I KNOW A LOT ABOUT THE  
3     TIRE INDUSTRY. YEAH, I KNOW THAT THERE'S TRUCK  
4     TIRES THAT ARE MADE THAT ARE REGROOVED AND RECAPPED  
5     EIGHT OR NINE TIMES. DID YOU KNOW THAT AIRPLANES  
6     MOSTLY USE RECAPPED TIRES?

7             MS. FOWLER: YES. I'VE READ THIS STUFF.

8             CHAIRMAN PENNINGTON: GET ON WITH IT.

9             MS. FOWLER: I'VE BEEN DOING THIS FOR TWO  
10    YEARS NOW.

11            CHAIRMAN PENNINGTON: I'VE BEEN ACCUSED OF  
12    BEING TOO EMOTIONAL ABOUT THE TIRE BUSINESS  
13    ANYWAY. SO I DON'T THINK I NEED A LESSON ON THE  
14    TIRE INDUSTRY.

15            MS. FOWLER: DID YOU KNOW THAT FORD MOTOR  
16    WILL REQUIRE 20 PERCENT RECYCLED RUBBER CONTENT IN  
17    ALL OF THEIR MOLDED PRODUCTS BY THE YEAR 2000?

18            CHAIRMAN PENNINGTON: YEAH.

19            MS. FOWLER: SO WHAT I'M TRYING TO SAY IS  
20    THAT REUSE AND REDUCE IS ON THE VERGE OF SUCCESS.  
21    AND THAT THIS IS JUST NOT THE APPROPRIATE TIME TO  
22    ADOPT A POLICY THAT IS GOING TO INCINERATE TIRES.

23                    THE CALIFORNIA INTEGRATED WASTE

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24 MANAGEMENT BOARD, TO WRAP IT UP HERE, SAYS THAT

25 THEIR DECLARED VISION IS TO BE RECOGNIZED NATIONAL

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1     AND INTERNATIONAL LEADER IN INTEGRATED MANAGEMENT  
2     OF WASTE AND RECOVERED MATERIALS.  THIS IS AN  
3     ADMIRABLE AND A LOFTY GOAL.  AND TO FAVOR AN  
4     ANTIQUATED METHOD OF DISPOSAL, SUCH AS  
5     INCINERATION, OVER MORE IMAGINATIVE AND FORWARD  
6     THINKING UTILIZATION OF THIS VALUABLE RESOURCE GOES  
7     AGAINST THIS VISION STATEMENT.

8                     THE MISSION STATEMENT OF THE -- SO  
9     THAT WAS THE VISION STATEMENT.  THE MISSION  
10    STATEMENT ALSO SUCCINCTLY STATES GOALS WHICH WE  
11    SUPPORT WHOLEHEARTEDLY.  OUR MISSION, WHICH IS  
12    QUOTE, "OUR MISSION IS TO REDUCE THE GENERATION AND  
13    IMPROVE THE MANAGEMENT OF SOLID WASTE IN CALIFORNIA  
14    TO CONSERVE RESOURCES, DEVELOP SUSTAINABLE  
15    RECYCLING MARKETS, AND PROTECT PUBLIC HEALTH AND  
16    SAFETY AND THE ENVIRONMENT.  WE DO THIS IN  
17    PARTNERSHIP WITH PUBLIC AGENCIES, INDUSTRY,  
18    BUSINESS, AND THE PUBLIC WE SERVE."  SO TO FULFILL  
19    THIS PART OF YOUR MISSION, TO PROTECT THE PUBLIC  
20    HEALTH AND SAFETY IN PARTNERSHIP WITH THE PUBLIC  
21    THAT YOU SERVE, IT IS INCUMBENT UPON THE BOARD TO  
22    REJECT THE 97-425 RESOLUTION.  THANK YOU VERY  
23    MUCH.



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24 CHAIRMAN PENNINGTON: ANY QUESTIONS?

25 BOARD MEMBER GOTCH: MR. CHAIR, MAY I MAKE

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1 A COUPLE OF COMMENTS AT THIS POINT?

2 CHAIRMAN PENNINGTON: SURE.

3 BOARD MEMBER GOTCH: FIRST OF ALL, I'D  
4 LIKE TO THANK ALL THE PEOPLE -- NO QUESTIONS FOR  
5 YOU -- I'D LIKE TO THANK ALL THE MEMBERS OF THE  
6 PUBLIC WHO HAVE ATTENDED THIS MEETING TODAY AND ALL  
7 THE CALLS AND LETTERS THAT WE'VE RECEIVED ON THIS  
8 ISSUE. THIS LEVEL OF PUBLIC PARTICIPATION  
9 REPRESENTS A GREAT EXAMPLE OF WHAT DECISION MAKERS  
10 NEED IN THE WAY OF PUBLIC INPUT TO MAKE INFORMED  
11 DECISIONS. SO I THANK YOU.

12 MY GUT REACTION TO TIRE BURNING IS  
13 NO. ANY TIME SOMETHING IS COMBUSTED, IT CHANGES  
14 ITS STATE AND GENERALLY HAS A NEGATIVE IMPACT ON  
15 AIR AND WATER AS A RESULT.

16 I HAVE SEVERAL CONCERNS AS THE POLICY  
17 CURRENTLY EXISTS THAT I'D LIKE TO ADDRESS. AND I  
18 HAVE PASSED THESE BY MY FELLOW BOARD MEMBERS. IF I  
19 CAN, I'D LIKE TO TAKE A COUPLE QUICK MINUTES TO GO  
20 THROUGH A COUPLE OF THESE. SOME OF THEM HAVE BEEN  
21 STATED BY THESE FOLKS.

22 CHAIRMAN PENNINGTON: I JUST WANTED TO  
23 REMIND YOU THAT WE DO HAVE MORE PEOPLE.

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24 BOARD MEMBER GOTCH: I'M SORRY. I THOUGHT  
25 WE HAD GONE THROUGH THE LAST OF THE SPEAKERS.

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1                   CHAIRMAN PENNINGTON:   THAT'S ALL THE  
2   OPPOSITION.   WE SURPRISINGLY ENOUGH DO HAVE SOME  
3   PEOPLE HERE TO SUPPORT IT.

4                   MS. FOWLER:   YOU THREW ME OFF TRACK WHEN  
5   YOU ASKED ME THAT QUESTION.   JUST ONE LAST QUICK  
6   THING.   I FOUND AN AD TODAY AND IT SAID, PACIFIC  
7   IMPORT, FOUR TIRES FOR \$55.   YOU GUYS DOING ANY  
8   POLICIES TO STOP THE SALE OF CHEAP, LOW MILEAGE  
9   TIRES?   THANK YOU VERY MUCH.

10                  BOARD MEMBER GOTCH:   MR. CHAIR, I'LL SAVE  
11   MY ADDITIONAL COMMENTS UNTIL AFTER THE OTHER  
12   SPEAKERS.

13                  CHAIRMAN PENNINGTON:   NANCY NOLEN.

14                  MS. NOLEN:   GOOD AFTERNOON.   I'M NOT FROM  
15   CUPERTINO.   AND BASED ON THIS AFTERNOON'S REMARKS,  
16   I COUNT MYSELF LUCKY TO BE ABLE TO MAKE THAT  
17   STATEMENT.   MY NAME IS NANCY NOLEN.   I'M A LOBBYIST  
18   WITH THE LOBBYING FIRM OF ROSE AND KENDEL LOCATED  
19   HERE IN SACRAMENTO AND IN LOS ANGELES.

20                         I'M HERE ON BEHALF OF ECOPAVE, WHICH  
21   IS SOMETHING OF A BOARD SUCCESS STORY.   ECOPAVE, IN  
22   CONJUNCTION WITH FIRESTONE AND WITH REED & GRAHAM,  
23   WHICH HAS SOME OF THE MOST SOPHISTICATED RESEARCH

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24     AND DEVELOPMENT LABS IN THE COUNTRY, HAS DEVELOPED  
25     A BREAKTHROUGH TECHNOLOGY THAT NOT ONLY CAN USE

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1 RECYCLED TIRES TO PRODUCE A VERY SUPERIOR ASPHALT  
2 MODIFIER, BUT FAR MORE IMPORTANTLY, AND I THINK IS  
3 VERY EXCITING, THAT THIS TECHNOLOGY CAN BE USED TO  
4 PRODUCE A RUBBER PRODUCT WHICH CAN BE USED FOR  
5 EXTRUSION MOLDING.

6 THE USE OF THIS PRODUCT FOR EXTRUSION  
7 MOLDING OFFERS VIRTUALLY LIMITLESS OPPORTUNITIES  
8 AND LIMITLESS MARKET FOR PRODUCTS MADE WITH  
9 RECYCLED TIRES. ABOUT TWO YEARS AGO, I BELIEVE,  
10 ECOPAVE RECEIVED A GRANT FROM THIS BOARD TO DO  
11 MARKETING RESEARCH AND DEVELOP A BUSINESS PLAN TO  
12 DEVELOP AND PRODUCE AND MARKET PRODUCTS WHICH WERE  
13 USED WITH THIS NEW TECHNOLOGY. ECOPAVE USED THIS  
14 MONEY FOR THAT PURPOSE, AND AT THIS POINT HAS  
15 ALREADY LAID DOWN TEST STRIPS USING ITS ASPHALT  
16 MODIFIER IN FIVE STATES INCLUDING CALIFORNIA.

17 ECOPAVE HAS WORKED WITH CALTRANS TO  
18 DEVELOP PERFORMANCE BASED STANDARDS FOR ASPHALT  
19 MODIFIERS, WHICH IS NEW. THERE HAS BEEN A RECIPE  
20 APPROACH TO ASPHALT MODIFIERS IN THE PAST. SOME  
21 ROADS HAVE DONE VERY WELL; OTHERS HAVE DONE  
22 MISERABLY.

23 THE NEW PERFORMANCE STANDARDS WILL

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24 REQUIRE EXISTING PRODUCERS OF ASPHALT MODIFIERS TO  
25 CHANGE THEIR TECHNOLOGIES. ECOPAVE IS ONE OF ONLY

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1 TWO OR AT MOST THREE MANUFACTURERS WHOSE PRODUCT  
2 DOES MEET THE NEW PERFORMANCE STANDARDS.

3 THE PURPOSE FOR ME BEING HERE TODAY  
4 IS NOT TO CRITICIZE OR OPPOSE THE BOARD'S POSITION  
5 ON BURNING TIRES. CLEARLY IT'S THE BOARD'S  
6 INTENTION TO ADDRESS WHAT'S A VERY SERIOUS AND A  
7 VERY REAL HEALTH AND SAFETY PROBLEM IN THE STATE.  
8 HAVING MILLIONS OF TIRES STOCKPILED IS CLEARLY A  
9 DANGER.

10 WHAT WE'RE TRYING TO ADDRESS IS  
11 INSTEAD OF THE TIRES THAT ARE COMING INTO THE  
12 WASTESTREAM, TIRES WHICH ARE IDEALLY SUITED FOR  
13 RECLAMATION AND REUSE AS VALUABLE PRODUCTS. WHAT  
14 WE WOULD URGE THE BOARD TO DO IS CONTINUE ITS  
15 ENDORSEMENT AND SUPPORT FOR THOSE WHO ARE SEEKING  
16 TO ADDRESS THE SURPLUS TIRE PROBLEM BY TRULY  
17 RECYCLING AND RECLAIMING A VERY VALUABLE NATURAL  
18 RESOURCE. AND WE WOULD URGE THE BOARD TO PUT  
19 PARTICULAR EMPHASIS ON SUPPORTING THOSE MEANS OF  
20 ADDRESSING THE PROBLEM WHICH DO, IN FACT, USE A  
21 VERY VALUABLE NATURAL RESOURCE IN A WAY THAT  
22 HOPEFULLY, WITH THE IMPROVEMENT OF TECHNOLOGY AND  
23 EXPANSION OF THE KIND OF TECHNOLOGY THAT ECOPAVE



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24 HAS DEVELOPED, WILL ENABLE US TO USE THOSE TIRES TO  
25 PRODUCE, AGAIN, A LIMITLESS ARRAY OF VERY VALUABLE

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1 PRODUCTS FOR THE STATE AND THE NATION. THANK YOU.

2 CHAIRMAN PENNINGTON: THANK YOU. ANY  
3 QUESTIONS? OKAY. MARK HOPE.

4 MR. HOPE: MY NAME IS MARK HOPE. I'M WITH  
5 WASTE RECOVERY INCORPORATED. AND I TOO AM NOT FROM  
6 CUPERTINO, ALTHOUGH I DO HAVE FAMILY THAT LIVES  
7 REAL CLOSE TO CUPERTINO IN LOS ALTOS. WASTE  
8 RECOVERY IS A PROCESSOR AND SUPPLIER OF TIRE-  
9 DERIVED FUEL, AND I'M HERE TODAY TO SPEAK IN FAVOR  
10 OF A POLICY THAT BASICALLY CREATES A LEVEL PLAYING  
11 FIELD FOR THE USE OF TDF AT A FACILITY WHERE THE  
12 APPROPRIATE TESTS HAVE BEEN CONDUCTED AND THEY CAN  
13 DEMONSTRATE ENVIRONMENTAL COMPLIANCE.

14 JUST BRIEFLY, I'D LIKE TO GIVE YOU A  
15 LITTLE BIT OF BACKGROUND ABOUT WASTE RECOVERY. I  
16 WOULD LIKE TO POINT OUT FIRST THAT WE DON'T THINK  
17 BURNING TIRES TO RECOVER ITS ENERGY CONTENT IS  
18 REALLY AN EVIL OR A LESSER OF TWO EVILS. IF DONE  
19 PROPERLY, OUR MISSION AND THAT OF OUR CUSTOMERS IS  
20 TO DEMONSTRATE THAT IT'S NOT EVIL, THAT YOU DO  
21 REALIZE ENERGY BENEFIT, AND THAT YOU ARE CONSUMING  
22 AND SAVING NATURAL RESOURCES.

23 WASTE RECOVERY WAS FORMED 16 YEARS

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24     AGO IN PORTLAND, OREGON.  WE STARTED, OUR FIRST  
25     YEAR WE HAD ABOUT 800,000 TIRES.  SIXTEEN YEARS

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1 LATER WE'RE DOING ROUGHLY 2.5 MILLION TIRES A  
2 MONTH. I WILL TELL YOU THAT OVER THE 16 YEARS,  
3 WE'VE DIVERSIFIED IN OUR OWN MARKETS, NOT JUST TO  
4 TIRE FUEL, BUT ALSO TO A WIDE VARIETY OF OTHERS.  
5 AND QUICKLY, TODAY OUT OF ALL THE TIRES WE COLLECT,  
6 69 PERCENT ARE USED FOR FUEL, 13 PERCENT ARE USED  
7 FOR FERROUS RECOVERY. IN OTHER WORDS, THAT'S THE  
8 WIRE WE ACTUALLY RECOVER OUT OF THE TIRES, AND WE  
9 ARE SELLING THE WIRE FOR ITS SCRAP VALUE. FIFTEEN  
10 PERCENT OF THE TIRES WE COLLECT ARE USED FOR CIVIL  
11 ENGINEERING PROJECTS. TWO PERCENT ARE USED FOR  
12 MOLDED RUBBER, AND ONE PERCENT IS FOR CASING  
13 RECOVERY, RETREAD, REUSE, THOSE KINDS OF THINGS.

14 WE ARE CURRENTLY OPERATING IN THE  
15 STATE OF CALIFORNIA. WE DO CURRENTLY HAVE 13  
16 EMPLOYEES IN THE STATE DEALING WITH THE PROPER  
17 DISPOSAL AND RECOVERY OF ABOUT 2.5 MILLION TIRES IN  
18 THE STATE OF CALIFORNIA.

19 I'M HERE TODAY REALLY TO LOOK MORE ON  
20 A NATIONAL PERSPECTIVE ON WHAT'S GOING ON WITH  
21 ENERGY, AND I'M GOING TO RUN DOWN A FEW STATISTICS.  
22 I'M NOT GOING TO GET CAUGHT UP IN THE CHEMISTRY AND  
23 NECESSARILY THE SCIENCE, BUT MORE TO PAINT A

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24 PICTURE OF WHERE WE'VE EVOLVED IN THE LAST 16 TO 20  
25 YEARS AS A NATION IN THE USE OF TIRES FOR FUEL.

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1                   TODAY THERE'S ROUGHLY 25 PULP AND  
2 PAPER WOOD PRODUCTS FACILITIES AROUND THE COUNTRY  
3 BURNING AND CONSUMING ON AN ANNUAL RATE OR WITH THE  
4 POSSIBILITY OF CONSUMING ABOUT 40 MILLION SCRAP  
5 TIRES A YEAR. THERE'S ABOUT 36 CEMENT KILNS AROUND  
6 THIS COUNTRY BURNING WITH THE CAPACITY OF ABOUT 30  
7 MILLION SCRAP TIRES A YEAR. THERE'S 15 UTILITIES,  
8 LARGE ELECTRICAL UTILITIES, GENERATING STATIONS,  
9 SOME SMALLER UTILITY STATIONS -- PERHAPS IN  
10 CALIFORNIA YOU MIGHT CONSIDER THEM COGENS --  
11 BURNING ROUGHLY 53 MILLION SCRAP TIRES A YEAR.  
12 THERE'S FIVE SMALLER INDUSTRIAL BOILERS AROUND THE  
13 COUNTRY CONSUMING -- WITH THE ABILITY TO CONSUME  
14 ABOUT 7.5 MILLION SCRAP TIRES A YEAR. THAT TOTALS  
15 81 FACILITIES ON A NATIONAL LEVEL WITH A  
16 CONSUMPTION ABILITY OF ABOUT 123 MILLION SCRAP  
17 TIRES A YEAR. THAT'S ROUGHLY 40 PERCENT OF THE  
18 ANNUAL GENERATION RATE.

19                   WASTE RECOVERY HAS BEEN INVOLVED AND  
20 HAS SOME DIRECT INVOLVEMENT IN ABOUT 60 PERCENT OF  
21 THESE FACILITIES IN PROVIDING TECHNICAL ASSISTANCE,  
22 QUALITY FUEL, SPECIFIED MATERIAL, AND ASSISTING OUR  
23 CUSTOMERS IN MAKING SURE THAT THEY MEET THE

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24 ENVIRONMENTAL COMPLIANCE STANDARDS OF THE STATES  
25 AND THE COMMUNITY THAT THEY SERVE.

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1                   AGAIN, WE DO NOT WANT TO BE INVOLVED  
2   WITH COMPANIES OR OUR COMPANY WHERE WE WILL BE  
3   CONSIDERED EVIL AND THAT WE ARE VIOLATING SOME SORT  
4   OF STANDARD AND CAN'T SHOW THAT WE CAN SAFELY DO  
5   THIS.

6                   NOW, WE WOULD BE THE FIRST ONES TO  
7   ADMIT THAT NOT EVERY COMBUSTION FACILITY IN THIS  
8   COUNTRY IS SUITED TO BURN TIRE-DERIVED FUEL OR  
9   WHOLE TIRES. IT REALLY IS UNIT SPECIFIC. AND  
10  CLEARLY UNITS THAT WERE BUILT IN THE LAST 25 YEARS  
11  TO 30 YEARS PROBABLY ARE BETTER SUITED FOR BURNING  
12  RUBBER CHIPS AND MORE ENVIRONMENTALLY SOUND OR TO  
13  MEET THE STANDARDS FROM THE STANDPOINT THAT  
14  COMBUSTION TECHNOLOGY AND CONTROL TECHNOLOGY HAS  
15  EVOLVED TO MEET THE NEW STANDARDS THAT HAVE BEEN  
16  SET TODAY.

17                  AND THOSE STANDARDS, AS YOU KNOW,  
18  CHANGE AS THE SCIENCE INCREASES AS FAR AS KNOWING  
19  WHAT THE IMPACT OF CERTAIN ACTIVITIES ARE AS WELL  
20  AS BETTER CONTROL TECHNOLOGIES COME AVAILABLE TO  
21  DEAL WITH THAT.

22                  THE OTHER ISSUE THAT ALLOWS PEOPLE OR  
23  MAY MOTIVATE PEOPLE TO LOOK AT TDF OR WHOLE TIRES



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24 IS ECONOMICS. AND IN A CAPITALIST SOCIETY  
25 BASICALLY THAT'S WHAT DRIVES THE ENGINES OF

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1     INDUSTRY AS WELL AS A BUSINESS LIKE OURS TO TAKE  
2     OPPORTUNITIES -- TAKE ECONOMIC OPPORTUNITY OF A  
3     SITUATION TO BE ABLE TO BASICALLY CREATE A  
4     BUSINESS.  AND I THINK IN -- THAT'S BASICALLY WHAT  
5     THIS COUNTRY WAS FOUNDED ON, AND THAT'S THE BASIS  
6     OF WHERE WE HAVE SUCCEEDED TODAY AS WELL AS OUR  
7     CUSTOMERS IN THAT TRYING TO TAKE AN ECONOMIC  
8     SITUATION AND TAKE ADVANTAGE OF THAT IN AN  
9     ENVIRONMENTALLY SOUND AND PROFESSIONAL WAY.

10                   ENVIRONMENTAL ISSUES ASSOCIATED WITH  
11     BURNING RUBBER, OBVIOUSLY YOU'VE HEARD SEVERAL, BUT  
12     CLEARLY IT BOILS DOWN TO AIR, SOLID WASTE, AND  
13     WATER.  AIR HAS BEEN DISCUSSED IN-DEPTH TODAY ABOUT  
14     THE DIFFERENT CRITERIA AND NONCRITERIA POLLUTANTS.  
15     ONE OF THE THINGS THAT HAS PIQUED MY INTEREST ABOUT  
16     THIS PARTICULAR MEETING WAS THE DAMES & MOORE  
17     REPORT.  THIS BOARD HAS HISTORICALLY SPENT YEARS  
18     SENDING DATA AND INFORMATION TO POTENTIAL CANDI-  
19     DATES FOR USING TDF, SHARING TEST DATA THAT WAS  
20     AVAILABLE FROM INDIVIDUAL PLANTS WITH SIMILAR TYPES  
21     OF CONTROL TECHNOLOGIES OR COMBUSTION UNITS.  THE  
22     DAMES & MOORE REPORT IS ONE EFFORT TO TRY TO  
23     COALESCE ALL THAT INFORMATION, MAKE SENSE, AND TRY

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24 TO COME UP MAYBE WITH THE ULTIMATE DECISION: IS IT

25 BETTER OR IS IT WORSE?

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1                   SO FAR WHAT I'VE BEEN ABLE TO  
2   PRELIMINARILY UNDERSTAND IS IS THAT IN CERTAIN  
3   SITUATIONS YOU MIGHT GET A LITTLE BIT OF INCREASE,  
4   IN CERTAIN SITUATIONS YOU MIGHT GET A LITTLE BIT OF  
5   DECREASE. AND I THINK THAT IS PRETTY CONSISTENT  
6   WITH OUR EXPERIENCE AT ALL THE FACILITIES THAT  
7   WE'VE WORKED WITH, THAT IN SOME CASES YOU DO SEE A  
8   NET BENEFIT AND IN SOME CASES YOU SEE A SLIGHT  
9   DECREASE. IT ALWAYS COMES DOWN TO THE POINT CAN  
10  YOU MEET THE CURRENT STANDARDS THAT ARE SET BY THE  
11  LOCAL AIR AUTHORITIES, BY THE STATE GOVERNMENT, AND  
12  BY THE FEDERAL EPA? AND AT THE END OF THE DAY,  
13  THAT BECOMES THE LITMUS TEST AS TO WHETHER THAT  
14  FACILITY CAN BURN OR CANNOT BURN.

15                  I THINK THE REASON WHY WE SEE A  
16  VARIATION IN DATA, THAT IF YOU TAKE THE CENTER  
17  POINT JUST A LITTLE BIT SKEWING TO ONE SIDE TOWARD  
18  THE BENEFIT AND A LITTLE BIT TO THE OTHER SIDE, IT  
19  BASICALLY IS INDICATIVE OF THE NATURAL VARIATIONS  
20  OF A COMBUSTION CYCLE. AT ANY ONE MOMENT YOU NEVER  
21  HAVE A PERFECT SITUATION. AND WHEN YOU LOOK AT IT  
22  SLIDING BACK AND FORTH, AS LONG AS IT'S WITHIN THE  
23  STANDARD, TO SIT THERE AND SPLIT HAIRS ON WHETHER

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24 IT'S 1 PERCENT THIS WAY OR 1 PERCENT THAT WAY

25 BECOMES INSIGNIFICANT IN THE SENSE THAT ON A

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1 365-DAY YEAR YOU GET MINOR VARIATIONS.

2 THE REAL KEY QUESTION IS ARE YOU  
3 MEETING THE STANDARDS THAT ARE SET BY THE LOCAL AIR  
4 AUTHORITIES AS WELL AS THE STATE TO STAY WITHIN AND  
5 PROTECT THE HUMAN HEALTH AND ENVIRONMENT.

6 FROM A SOLID WASTE STANDPOINT,  
7 CLEARLY THE ASH OF THE RUBBER, YES, IT DOES HAVE  
8 SOME METALS IN IT. DOES IT HAVE ANYTHING MORE  
9 SIGNIFICANT THAN PERHAPS A BUNKER C OR A NO. 6 OIL  
10 OR COAL? NO, IT'S NOT SIGNIFICANTLY DIFFERENT  
11 OTHER THAN THE ZINC CONTENT.

12 THE BIGGEST ISSUE WITH ASH IS LAND  
13 SPREADING AND HOW IT MIGHT IMPACT LAND SPREADING  
14 FOR AGRICULTURAL PURPOSES, BUT EVEN THAT IS  
15 ADDRESSED IN THE SENSE THAT SOME ZINC IS A  
16 BENEFICIAL NUTRIENT VALUE WHERE TOO MUCH ZINC, LIKE  
17 TOO MUCH OF ANYTHING, TENDS TO HEAD TOWARD THE  
18 TOXICITY LEVEL, SO BASICALLY THAT'S SOMETHING FROM  
19 A MANAGEMENT STANDPOINT THAT YOU CAN APPLY JUST  
20 LIKE ANY OTHER TYPE OF FERTILIZER.

21 AND WATER REALLY, FOR THE MOST PART,  
22 IS ONLY AN ISSUE AS A FUNCTION OF THE POLLUTION  
23 CONTROL EQUIPMENT. IF WATER IS USED IN SOME FORM

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24 OR ANOTHER, THE POLLUTION CONTROL EQUIPMENT AND THE

25 WATER THEN PICKS UP SOME OF THE ASH. THEN THE

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1 QUESTION BECOMES HOW IS THE WATER TREATED? AND TO  
2 WHAT POINT AND WHAT QUALITY IS IT DISCHARGED TO THE  
3 RECEIVING STREAM?

4 I WOULD LIKE TO KIND OF PUT THIS IN  
5 PERSPECTIVE. WHAT WE'VE SEEN WITH REGARDS TO THE  
6 RUBBER VERSUS THE FUELS THAT WE TYPICALLY COMPETE  
7 WITH AND REPLACE ARE COAL, PETROLEUM COKE,  
8 WOODWASTE OR BIOMASS FUELS. COAL AND WHEN IT COMES  
9 TO PAH EMISSIONS AND DIOXINS AND FURANS AND SOME OF  
10 THESE OTHER EXOTIC AIR TOXICS, CLEARLY THERE'S  
11 REALLY NO COMPONENTS WITHIN THE RUBBER THAT WHEN  
12 BURNED PROPERLY CREATE ANY SIGNIFICANT CIRCUM-  
13 STANCES THAT WOULD TEND TO GENERATE ANY KIND OF AIR  
14 TOXIC ANY GREATER THAN ANY OTHER.

15 I THINK WHAT WE'VE SEEN IS IS THAT  
16 AIR TOXICS, AND IF YOU LOOK AT THESE OPEN BURNING  
17 TIRE PILES, THE GENERATION OF AIR TOXICS ARE  
18 USUALLY A FUNCTION OF INCOMPLETE COMBUSTION. AND  
19 WHEN THE STATE OF WASHINGTON DID AN AIR TOXIC  
20 SURVEY, THEY LOOKED AT AIR TOXICS COMING FROM  
21 INDUSTRY VERSUS WHAT WAS FROM OTHER, WHAT SHOULD I  
22 SAY, LIFESTYLE ISSUES. AND IN THE STATE THEY HAD 7  
23 TONS A YEAR COMING FROM ALL INDUSTRY, AND THEY HAD



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24 700 TONS COMING FROM OTHER TYPES OF SOURCES. THOSE  
25 SOURCES INCLUDED THINGS SUCH AS WOOD STOVES,

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1 BARBECUES, AUTOMOBILES, FILLING STATIONS, THE  
2 BENZENES COMING OUT OF FILLING STATIONS. AND WHEN  
3 THEY LOOKED AT THE OVERALL IMPACT FROM AN AIR TOXIC  
4 STANDPOINT, IT WAS CLEAR THAT A LOT OF THEIR  
5 POLICIES WERE BETTER DIRECTED AT THAT 700 TONS THAN  
6 THAT 7 TONS.

7 NOW, REALIZE AT THAT POINT THE RUBBER  
8 HAD NO IMPACT. IT WAS NOT CONTRIBUTING TO THAT 7  
9 TONS. I'M JUST TRYING TO PUT IN PERSPECTIVE ON  
10 WHERE OUR AIR TOXICS ARE COMING FROM IN TODAY'S  
11 ENVIRONMENT, AND IT'S USUALLY FROM PERSONAL  
12 LIFESTYLE ISSUES.

13 IN CONCLUSION, WE WOULD LIKE AGAIN TO  
14 REITERATE THAT NOT EVERY COMBUSTION UNIT IS  
15 SUITABLE FOR BURNING TDF, AND EACH UNIT SHOULD  
16 STAND ON ITS OWN MERIT.

17 SECONDLY, UNITS' ABILITY TO CONTROL  
18 COMBUSTION WOULD BE A FUNCTION OF THEIR AIR  
19 CONTROLS AND THEIR AIR POLLUTION CONTROL EQUIPMENT.

20 THIRDLY, A UNIT'S POLLUTION CONTROL  
21 EQUIPMENT MAY NOT BE SUFFICIENT TO DEMONSTRATE  
22 COMPLIANCE, BUT I WILL POINT OUT THAT THESE 81  
23 FACILITIES ACROSS THE COUNTRY CURRENTLY BURNING 123

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24     MILLION TIRES HAVE CONVINCED -- THROUGH STACK  
25     TESTING, EMISSION TESTING, AND OTHER TYPES OF

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1 ENVIRONMENTAL TESTING, CONVINCED THE STATE  
2 PERMITTING AUTHORITIES THEY INDEED HAVE THE RIGHT  
3 EQUIPMENT AND THE RIGHT AIR CONTROLS TO BE ABLE TO  
4 BURN THIS FUEL.

5 FOURTHLY, AS I POINTED OUT, ASH  
6 DISPOSAL FOR AGRICULTURAL BENEFIT MAY OR MAY NOT BE  
7 LIMITED DUE TO THE ZINC CONTENT OF THE RUBBER CHIP,  
8 AND TIRE ASH IS NOT SIGNIFICANTLY DIFFERENT AND IN  
9 SOME CASES BETTER THAN OIL AND WITH REGARDS TO THE  
10 CONTENT OF HEAVY METALS.

11 SO AGAIN, I WOULD LIKE TO REITERATE  
12 OUR SUPPORT FOR A POLICY THAT DOESN'T SKEW BURNING  
13 RUBBER ON THE HIERARCHY. WE'RE NOT SITTING ASKING  
14 TO CHANGE THE HIERARCHY, THE SOLID WASTE HIERARCHY,  
15 TO MOVE IT NECESSARILY INTO RECYCLING. ALL WE ASK  
16 IS THAT WE HAVE A LEVEL PLAYING FIELD; AND THAT IF  
17 INDIVIDUALS COME IN TO ASK TO BURN AND GO THROUGH  
18 THE TEST AND CAN DEMONSTRATE COMPLIANCE, THAT THEY  
19 BE GIVEN DUE CONSIDERATION.

20 I APPLAUD THE BOARD FOR TRYING TO  
21 COME UP WITH AN EDUCATIONAL PROGRAM TO PUT A LOT OF  
22 THIS INFORMATION IN PLAIN ENGLISH BECAUSE I THINK  
23 THAT'S WHERE A LOT OF US GET LOST IN TRYING TO

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24 INTERPOLATE NOT ONLY DATA AND INFORMATION, BUT

25 REALLY WHAT ARE THE DIFFERENCES AMONGST THE FUELS?

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1     AND I THINK ALL OF US AS WE BECOME BETTER EDUCATED  
2     CONSUMERS CAN MAKE BETTER CHOICES ABOUT THE ISSUES  
3     WE DECIDE TO BECOME INVOLVED IN.

4                     WITH THAT, I'LL END MY PRESENTATION  
5     AND BE AVAILABLE FOR ANY QUESTIONS IF YOU HAVE ANY.

6                     CHAIRMAN PENNINGTON:   QUESTIONS?   THANK  
7     YOU, MR. HOPE.

8                     MR. HOPE:   THANK YOU.

9                     CHAIRMAN PENNINGTON:   MICHAEL BRYNE.

10                    MR. BYRNE:   THANK YOU, MR. CHAIRMAN,  
11     MEMBERS OF THE BOARD.   MY NAME IS MICHAEL BRYNE,  
12     AND AS YOU KNOW, I REPRESENT OXFORD.   BUT I'M  
13     BEFORE YOU TODAY NOT REALLY AS A REPRESENTATIVE OF  
14     OXFORD, JUST SOMEBODY IN THE AUDIENCE THAT'S BEEN  
15     LISTENING TO ALL THIS, AND I WANTED TO PASS ON A  
16     FEW STORIES OF SOME THINGS THAT I'VE BEEN THROUGH.

17                    BACK IN 1988 I WENT TO WASHINGTON,  
18     D.C., AS A REPRESENTATIVE OF THE STATE OF  
19     CALIFORNIA FOR ENVIRONMENTAL ISSUES.   WHEN I WAS  
20     BACK THERE, ONE OF THE BIGGEST PIECES OF LEGISLA-  
21     TION THAT THEY WERE WORKING ON AT THE TIME WAS  
22     AUTHORIZATION OF THE CLEAN AIR ACT.   SO I SPENT  
23     ALMOST EVERY DAY UP ON THE CAPITOL EITHER WITH THE

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24 SENATE STAFFERS OR THE HOUSE STAFFERS OR WHATEVER  
25 ELSE WORKING ON CLEAN AIR ACT STUFF. WE HAD THE

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1 GUYS FROM THE AIR RESOURCES BOARD. THEY'RE OUT  
2 THERE ALMOST EVERY SINGLE WEEK. YOU KNOW,  
3 CALIFORNIA'S AIR RESOURCES BOARD WAS KNOWN IN  
4 WASHINGTON, D.C., AS THE LEADER IN AIR REGULATIONS  
5 IN THE NATION.

6 AND WE'RE GOING THROUGH THE PROCESS.  
7 I DON'T KNOW IF ANY OF YOU HAVE BEEN THROUGH THE  
8 LEGISLATIVE PROCESS IN WASHINGTON, BUT IT'S PRETTY  
9 EYE OPENING. IT'S AMAZING THAT ANY KIND OF BILL  
10 COULD EVER GET PASSED, BUT IT'S A VERY INVOLVED,  
11 VERY LENGTHY PROCESS. AND SO MEETING AFTER  
12 MEETING, YOU KNOW, ENERGY COMMITTEE MEETING HERE,  
13 ALL THIS OTHER STUFF.

14 FINALLY ONE DAY I ENDED UP IN A ROOM  
15 A LITTLE BIT BIGGER THAN THIS WITH ABOUT 200  
16 PEOPLE, NO STAFFERS, NO MEMBERS, AND IT WAS ALL  
17 PEOPLE FROM VARIOUS DIFFERENT FACTIONS OF SOCIETY  
18 THAT WOULD BE IMPACTED BY THE CLEAN AIR ACT.

19 THERE WAS THE ETHANOL GROUP. THEY  
20 WERE STANDING OVER ON ONE SIDE. WE HAD THE  
21 METHANOL GROUP OVER ON ANOTHER SIDE. WE HAD THE  
22 AUTO MAKERS OVER HERE. WE HAD A WHOLE BIG CADRE OF  
23 ENVIRONMENTAL GROUPS ALL OVER. IN FACT, I WAS



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24     QUITE SURPRISED I EVEN GOT INVITED TO THE MEETING,  
25     BUT I GUESS IT WAS ALL MY ASSOCIATION WITH THE AIR

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1       RESOURCES BOARD GOT ME AN IN.

2                       SO EVERYBODY IS KIND OF MILLING  
3       AROUND AND EVERYTHING ELSE, SO FINALLY THE  
4       GENTLEMAN THAT WAS HEADING THE GROUP, I THINK HE  
5       WAS FROM THE NATURAL RESOURCES DEFENSE COUNCIL. HE  
6       SAYS, "OKAY, WE'RE GOING TO GET STARTED NOW." HE  
7       SAYS, "OKAY? ALL THE PEOPLE THAT WANT TO WORK ON  
8       FUELS RAISE YOUR HAND." SO THEY ALL RAISED THEIR  
9       HANDS. HE SAID, "OKAY, YOU GUYS GO MEET OVER  
10      THERE."

11                      SO THEY ALL GRABBED THEIR CHAIRS AND  
12      THEY MOVED OVER TO ONE SIDE OF THE ROOM, AND THEY  
13      WERE GOING TO TALK ABOUT HOW MUCH ETHANOL SHOULD BE  
14      PUT IN THE LEGISLATION AND HOW MUCH METHANOL SHOULD  
15      BE IN THE LEGISLATION AND HOW MUCH OXYGEN SHOULD  
16      THE FUELS HAVE AND HOW MUCH REFORMULATED GASOLINE  
17      SHOULD BE IN THE LEGISLATION AND ALL THOSE TYPE OF  
18      THINGS.

19                      SO THEY ALL WENT OVER THERE AND THEY  
20      SAID, "OKAY. HOW ABOUT THE FUEL INJECTION PEOPLE?  
21      WHO ARE THE FUEL INJECTION PEOPLE?" SO THEY ALL  
22      RAISED THEIR HAND AND THEY MOVED OVER TO THE OTHER  
23      SIDE. AND HE SAID, "OKAY." SO THEY STARTED THEIR

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24     WORK, AND THEY WERE TALKING ABOUT ATOMIZERS AND THE  
25     FUEL INJECTORS AND ALL THIS DIFFERENT KIND OF

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1     EQUIPMENT THAT WOULD MAKE THE ENGINE BURN THE FUEL  
2     THAT MUCH BETTER.

3                   HE SAID, "OKAY.  WHAT ABOUT THE FUEL  
4     CANISTER PEOPLE?"  THEY GOT TOGETHER AND HAD  
5     CERTAIN CANISTERS THAT WOULD IMPACT THE WAY THE  
6     FUELS WOULD COME OUT OF THE VEHICLES, AND THEN THEY  
7     HAD THE ELECTRICALLY HEATED CATALYST PEOPLE, AND  
8     THEY HAD THE LOCOMOTIVE PEOPLE, AND THEY HAD ALL  
9     THESE GROUPS AND EVERYTHING ELSE.  AND THESE PEOPLE  
10    WERE ALL GOING EVERY WHICH WAY, AND THE NEXT THING  
11    YOU KNOW I'M STANDING THERE LIKE ALL BY MYSELF.  I  
12    THINK WHAT THE HELL AM I DOING HERE.

13                   SO I RAISED MY HAND AND I SAID,  
14    "EXCUSE ME."  I SAID, "IT'S MY UNDERSTANDING THAT  
15    POLLUTION OR EMISSIONS FROM VEHICLES CAN ONLY  
16    HAPPEN TWO DIFFERENT WAYS."  AND I SAID, "EITHER  
17    THEY EVAPORATE, EVAPORATIVE EMISSIONS, OR THEY COME  
18    OUT OF THE TAILPIPE."  I SAID, "WHY DON'T WE JUST  
19    CONTROL THAT?  WHY DON'T WE JUST ESTABLISH CONTROLS  
20    FOR WHAT COMES OUR OF THE TAILPIPE OR WHAT GETS  
21    EVAPORATED AND LET INDUSTRY TAKE CARE OF THE REST?  
22    I DON'T SEE ANY SCIENTIST HERE.  I DON'T SEE ANY  
23    ENGINEERS HERE."  THEY WERE A BUNCH OF LOBBYISTS.

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24 "LET'S REALIZE WHAT WE ARE."

25 THERE WAS LIKE A SILENCE, THIS WHOLE

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1 ROOM, LIKE I SAY, 200 PEOPLE. IN THE BACK OF THE  
2 ROOM I COULD HEAR, "WHO INVITED THAT GUY?" AND I  
3 JUST WANTED TO PASS THAT ON TO YOU, LIKE TIRES ARE  
4 A FUEL, COAL IS A FUEL, GOD KNOWS WHAT ELSE IS A  
5 FUEL. AS LONG AS THE EMISSIONS COMING OUT THE  
6 OTHER END ARE CLEAN AND MEET WHATEVER GUIDELINES  
7 ARE TO BE MET, THEN LET'S NOT LIMIT SOCIETY. I  
8 THINK THAT'S A VERY GOOD POINT THAT WE SHOULD  
9 REALLY CONSIDER HERE.

10 IF PEOPLE DO NOT WANT TO BURN TIRES  
11 AS FUEL AT COGENERATION PLANTS OR CEMENT FACILITIES  
12 OR WHATEVER, THEY'VE GOT TO REALIZE THAT THEY'RE  
13 MAKING A DECISION TO DO SOMETHING ELSE WITH THAT  
14 TIRE, AND THAT DECISION MAY BE DRIVE IT 300 MILES  
15 IN A DIESEL TRUCK, SPEWING OUT DIESEL FUMES, AND  
16 CHOP IT UP IN GOD KNOWS WHAT THEY'RE DOING WITH IT.  
17 SO I JUST WANT TO LEAVE IT AT THAT, AND I APPLAUD  
18 THE BOARD. AND I THINK WE SHOULD EXPAND OUR  
19 ABILITY TO GET RID OF TIRES AS MUCH AS WE CAN AS  
20 LONG AS IT'S SAFE, AND THE SAFETY OF THOSE TYPE OF  
21 THINGS SHOULD BE IN THE HANDS OF THE ENGINEERS AND  
22 THE AIR RESOURCES BOARDS AND THE LOCAL AIR  
23 DISTRICTS. AND IF IT'S SAFE, IT'S SAFE. IF IT

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24     ISN'T SAFE, THEN DON'T DO IT.  IF THE -- IF IT'S  
25     NOT SAFE, IF THE TESTS PROVE THAT STUFF COMES OUT,

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1 WELL THEN SAY NO. THAT'S ALL. THANKS.

2 CHAIRMAN PENNINGTON: THANK YOU. ANY  
3 QUESTIONS OF MR. BYRNE? OKAY. THANK YOU. MRS.  
4 GOTCH, WE SORT OF INTERRUPTED YOU.

5 BOARD MEMBER GOTCH: THIS HAS BEEN A LONG  
6 DAY. I'M GOING TO TRY AND MAKE THIS FAIRLY BRIEF.  
7 AND WE WILL BE GETTING BACK TO THIS. THIS IS, AS  
8 WE ALL KNOW, A VERY COMPLEX PROBLEM. AND IN THE  
9 NEXT COUPLE OF MONTHS, I'M HOPING THAT I'LL BE ABLE  
10 TO HEAR FROM BOTH SIDES.

11 SOME OF THE CONCERNS THAT I'D LIKE TO  
12 ADDRESS, THOUGH, ARE, NO. 1, THAT THE BOARD NOT BE  
13 IN AN ADVOCACY ROLE, PROMOTING THE BURNING OF  
14 TIRES, WHICH I BELIEVE THE TONE OF THE CURRENT  
15 RESOLUTION DOES.

16 NO. 2, THAT THE RESOLUTION  
17 SPECIFICALLY STATE THAT SITING A CEMENT KILN OR  
18 OTHER FACILITY THAT MAY USE TIRE-DERIVED FUEL IS A  
19 LOCAL DECISION SUBJECT TO ALL REQUISITE STATE,  
20 LOCAL, REGIONAL, AND FEDERAL ENVIRONMENTAL REVIEW,  
21 AND PERMITTING REQUIREMENTS, WHICH WE HAD TALKED  
22 ABOUT EARLIER TODAY. THE POLICY CURRENTLY DOES NOT  
23 DO THAT.



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24 NO. 3, THAT WE CANNOT SAY WITH ANY  
25 SCIENTIFIC CERTAINTY ANYTHING ABOUT THE RISKS

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1 ASSOCIATED WITH TIRE BURNING BECAUSE RISK IS  
2 RELATIVE AND SUBJECT TO MANY FACTORS AT THE  
3 INDIVIDUAL FACILITIES, SUCH AS FUEL MIXTURE,  
4 TEMPERATURE, PLANT OPERATIONS, AS WELL AS THE OTHER  
5 TYPES OF AIR EMISSIONS WITHIN THE GIVEN LOCALE.

6 I THINK WE'RE JUST ASKING FOR TROUBLE  
7 IF WE ENTER INTO THIS ARENA. SO THE PARAGRAPH ON  
8 RISK I'D LIKE TO HAVE DELETED, AND WE WILL GET INTO  
9 IT LATER, I REALIZE, SO I WON'T GO FURTHER ON THAT.

10 NO. 4, THAT THE OVERALL TONE AND  
11 TENOR OF THIS RESOLUTION REFLECT OUR BROADER  
12 MISSION AS EXPRESSED IN SECTION 40052 OF THE PUBLIC  
13 RESOURCES CODE TO PROTECT THE ENVIRONMENT.

14 AND FINALLY, NO. 5, THE -- I'M NOT  
15 GOING TO BRING THAT UP NOW. I'LL BRING THAT UP IN  
16 A COUPLE MONTHS, WHICH IS THE INTRODUCTION. THANKS  
17 VERY MUCH FOR THE COMMENTS. ONCE AGAIN, I'D LIKE  
18 TO THANK ALL THE SPEAKERS FOR SPEAKING.

19 CHAIRMAN PENNINGTON: THANK YOU. MR.  
20 CHESBRO.

21 BOARD MEMBER CHESBRO: MR. CHAIRMAN, I'D  
22 LIKE TO TALK ABOUT THIS FROM A LOCAL GOVERNMENT,  
23 LOCAL COMMUNITY POINT OF VIEW. I THINK IT'S EASY

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24 TO COME UP WITH A RATIONALE IN A STATEWIDE BASIS

25 THAT YOU ARE GOING TO GET RID OF AN IMPACT OVER

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1     HERE AND PERHAPS CREATE ONE SOMEWHERE ELSE.  AND I  
2     THINK THE JUSTIFICATION FOR THIS, IN MY MIND, HAS  
3     TO DO WITH THE IDEA THAT WE'RE PRESUMABLY GOING TO  
4     MOVE FROM THE RISK, THE VERY HIGH RISK THAT HAS  
5     BEEN EXPERIENCED OF OPEN BURNING, NONCONTROLLED  
6     BURNING OF TIRES TO A SITUATION WHERE AT LEAST SOME  
7     LEVEL OF CONTAINMENT AND POLLUTION CONTROL TAKES  
8     PLACE AND A BENEFIT PRESUMABLY OCCURS WITH  
9     GENERATION OF ELECTRICITY OR POWER IN SOME WAY.

10                    THAT DOESN'T HELP IF YOU LIVE NEXT  
11    DOOR AND YOU BELIEVE WITH, I THINK, SOME EVIDENCE  
12    AND SINCERITY THAT THERE'S A CANCER RISK OR SOME  
13    OTHER KIND OF HEALTH RISK, RISK TO YOUR CHILDREN  
14    THAT'S GOING TO BE CREATED.  AND SO LIKE MRS.  
15    GOTCH, I HAVE SOME PROBLEM WITH EITHER REALITY OR  
16    PERCEPTION OF US BEING IN AN ADVOCACY ROLE IN THE  
17    LOCAL DECISION-MAKING PROCESS THAT SOMEHOW, BECAUSE  
18    THIS IS ONE OF THE MANY SOLUTIONS TO THE TIRE  
19    PROBLEM, THAT THE STATE WASTE BOARD IS GOING TO  
20    SOMEHOW GET OUT FRONT IN ADVOCACY.

21                    AND WHEN YOU CALL IT A SUPPORT  
22    RESOLUTION AND THE WORD "SUPPORT" REOCCURS IN  
23    NUMEROUS PLACES, IT'S CERTAINLY EASY TO READ THAT

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24 INTO WHAT'S BEING ATTEMPTED.

25 I GUESS THE OTHER PROBLEM I HAVE

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1 SINCE, YOU KNOW, THERE'S OBVIOUSLY MIXED EVIDENCE  
2 HERE AND, YOU KNOW, THERE'S AT LEAST A CASE TO BE  
3 MADE THAT THERE'S NEGATIVE ENVIRONMENTAL IMPACTS  
4 FROM THE BURNING OF TIRES IN A CEMENT KILN, IS THAT  
5 IF WE ARE TALKING ABOUT TRADE-OFFS FOR A PARTICULAR  
6 SITUATION, THAT I DON'T KNOW THAT THERE'S ANY WAY  
7 FOR US TO FOCUS THE BURNING OF THOSE TIRES ON THE  
8 LEGACY PILES. I DON'T KNOW IF THERE'S ANY WAY FOR  
9 US TO BE ASSURED THAT WE'RE NOT JUST BURNING TIRES  
10 THAT ARE COMING OFF VEHICLES FRESH AND HAVE HIGHER  
11 AND BETTER USES OR ARE BEING IMPORTED FROM OUT OF  
12 STATE.

13 AND I THINK IF THERE WERE A WAY TO  
14 FOCUS IT ON THOSE PILES, WHICH INCIDENTALLY NOBODY  
15 REALLY ADDRESSED TODAY. IT'S VERY HARD TO DO  
16 ANYTHING ELSE WITH. YOU CAN BURY THEM, BUT WHEN  
17 THEY'RE CAKED WITH DIRT, YOU ARE GOING TO HAVE A  
18 HARD TIME FINDING SOMEBODY THAT WILL MAKE  
19 RUBBERIZED ASPHALT OUT OF IT.

20 SO, YOU KNOW, THEY'RE REAL PROBLEMS,  
21 THESE BIG PILES, AND I THINK THAT'S OUR RESPONSIBI-  
22 LITY. I SYMPATHIZE WITH ALL OF THE THINGS THAT  
23 HAVE BEEN SAID TODAY, BUT WE DO HAVE TO FIND A

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24 SOLUTION FOR THOSE PILES. AND SOMEHOW IF WE COULD  
25 BE ASSURED THAT WHEN WE'RE TALKING TRADE-OFFS HERE,

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1     THAT WE WERE, IN FACT, GENUINELY ADDRESSING THE  
2     REAL -- THE MOST DIFFICULT PROBLEMS WITH TIRES IN  
3     CALIFORNIA, WHICH IS THESE BIG OLE PILES THAT HAVE  
4     BEEN SITTING THERE SOMETIMES FOR MANY DECADES THAT  
5     WOULD CERTAINLY STRENGTHEN THE CASE. BUT I THINK  
6     THAT THERE IS A WEAKNESS IN OUR APPROACH IN THAT I  
7     DON'T KNOW THAT WE HAVE ANY WAY OF ASSURING THAT AS  
8     WELL.

9                     AND SO, IN FACT, IF THERE WERE A  
10    PROPOSAL IN CUPERTINO THAT WENT FORWARD OR ANYWHERE  
11    ELSE IN THE STATE TALKING ABOUT TIRES THAT ARE  
12    BEING BROUGHT FROM SOME OTHER STATE OR DIRECTLY OFF  
13    THE CARS THAT COULD BE PUT TO A HIGHER AND BETTER  
14    USE. SO THOSE ARE JUST SOME OF THE GENERAL  
15    CONCERNS THAT COME TO MY MIND WITH THE POLICY  
16    THAT'S BEEN PROPOSED.

17                    CHAIRMAN PENNINGTON: THANK YOU. ANY  
18    OTHER?

19                    BOARD MEMBER RELIS: I'D JUST LIKE TO  
20    CLOSE BY THANKING ALL WHO SPOKE TODAY. I THINK  
21    THERE WAS SOME VERY GOOD TESTIMONY PRESENTED. I  
22    HOPE WE HAVE A COMPLETE RECORD OF THIS AND THAT  
23    STAFF --



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24 BOARD MEMBER CHESBRO: SHE'S BEEN THERE

25 PECKING AWAY.

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1                   BOARD MEMBER RELIS: I KNOW THAT WE DO  
2 LITERALLY, BUT I MEAN THERE WERE CERTAIN VISUALS  
3 PRESENTED AND OTHERS, AND I HOPE WE HAVE THOSE.

4                   CHAIRMAN PENNINGTON: HE'S HAD HIS T.V.  
5 CAMERA GOING ALL DAY TOO.

6                   BOARD MEMBER RELIS: I KNOW I'LL BE  
7 LOOKING THAT MATERIAL OVER. THANK YOU.

8                   CHAIRMAN PENNINGTON: ANYTHING ELSE?

9                   BOARD MEMBER CHESBRO: I FORGOT TO ADD  
10 THAT I REALLY VALUE THE PARTICIPATION. I KNOW  
11 THAT, YOU KNOW, IT TOOK SOME EFFORT FOR MANY OF YOU  
12 TO COME OVER FROM YOUR COMMUNITIES, AND I  
13 APPRECIATE THE INPUT.

14                  BOARD MEMBER JONES: JUST REAL BRIEFLY,  
15 MR. CHAIRMAN, THAT, YOU KNOW, I APPRECIATE IT TOO.  
16 I NEED -- I THINK SOME OF YOU KNOW IT, BUT IF YOU  
17 DON'T KNOW IT, WHEN THE ITEM CAME FORWARD IN POLICY  
18 AND WE NOTIFIED GROUPS, WE NOTIFIED PEOPLE THAT  
19 WEREN'T NORMALLY NOTIFIED UNDER OUR NORMAL PROCESS,  
20 AND THEN WE POSTPONED THE ISSUE TO GIVE EVERYBODY A  
21 CHANCE TO BE HERE. AND THERE WAS A REASON FOR  
22 THAT, AND IT'S BASICALLY THE SAME REASON THAT MY  
23 STATEMENT STARTING THE MEETING WITH WAS THAT, YOU

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24     KNOW, THIS IS ABOUT PUBLIC INFORMATION AND ABOUT  
25     PUBLIC GOOD.

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1                   SO PEOPLE NEED TO BE INVOLVED IN THE  
2   PROCESS.   WE NEED TO HEAR THE THINGS YOU SAID.  
3   DOESN'T MEAN WE'RE GOING TO AGREE WITH EVERY- -- OR  
4   THAT I'M GOING TO AGREE WITH EVERYTHING YOU SAY OR  
5   NOT AGREE OR SEE THE HOLES IN IT, BUT I THINK IT'S  
6   A GOOD -- I THINK YOU, THROUGH THE COURSE OF TODAY,  
7   SOME PEOPLE HEARD SOME THINGS OF WHAT WE'RE FACED  
8   WITH.   AND IT MAY PUT IT IN A DIFFERENT  
9   PERSPECTIVE.   IT DOESN'T ELIMINATE THE PROBLEM, BUT  
10   IT DOESN'T ELIMINATE IT FOR US EITHER, YOU KNOW.   I  
11   MEAN WE NEED TO DEAL WITH THESE ISSUES.   AND I  
12   APPRECIATE THE PARTICIPATION, AND I WANT TO THANK  
13   YOU, MR. CHAIRMAN.   AND I'M LOOKING FORWARD TO  
14   GETTING THESE THREE DOCUMENTS BACK QUICKLY SO WE  
15   CAN TAKE THIS UP AGAIN IN JANUARY.

16               BOARD MEMBER CHESBRO:   MR. CHAIRMAN.

17               CHAIRMAN PENNINGTON:   YES, MR. CHESBRO.

18               BOARD MEMBER CHESBRO:   I WAS NOT THERE AND  
19   SO I DON'T KNOW THE DETAILS OF IT, BUT I UNDERSTAND  
20   THAT THERE WAS DISCUSSED AT THE POLICY COMMITTEE  
21   THIS MONTH A NEW UNIVERSITY OF CALIFORNIA PEER  
22   REVIEW PROCESS, AND I DON'T KNOW THE DETAILS OF  
23   THAT.   BUT I JUST WANTED TO SUGGEST, I WASN'T GOING

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24 TO MAKE A MOTION OR ANYTHING ELSE, BUT THAT THAT BE  
25 CONSIDERED OR LOOKED AT FOR THESE STUDIES AS WELL.

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1     AND JUST WANTED TO GIVE INPUT TO THE COMMITTEE AND  
2     TO STAFF, THAT THAT WOULD BE ONE OF THE  
3     POSSIBILITIES AS WELL AS THE AIR BOARD REVIEW THAT  
4     I THINK THE MOTION ADDRESSED EARLIER.

5                 CHAIRMAN PENNINGTON:   OKAY.   THANK YOU.   I  
6     TOO WANT TO THANK YOU FOR COMING AND COMING FROM  
7     QUITE A DISTANCE AND SPENDING A WONDERFUL AFTERNOON  
8     HERE IN THIS BOARDROOM.   I THINK YOU DID IMPART  
9     SOME GOOD KNOWLEDGE TO US, AND WE WANT TO ASSURE  
10    YOU THAT WE ARE CONCERNED ABOUT EVERY ASPECT OF  
11    THIS PARTICULAR ISSUE, AND THAT I DON'T WANT YOU TO  
12    GO AWAY NOT THINKING THAT WE HAVEN'T THOUGHT ABOUT  
13    A LOT OF WHAT ISSUES YOU'VE RAISED AND THAT WE WILL  
14    CONTINUE TO DO THAT.   AND THAT WE HOPE THAT IT'S  
15    CLEAR TO YOU THAT OUR INTENTION HERE IS NOT TO  
16    CHANGE THE HIERARCHY, BUT TO HELP TRY TO FIND A  
17    SOLUTION TO WHAT WE CONSIDER A VERY MAJOR  
18    ENVIRONMENTAL PROBLEM THAT EXISTS THROUGHOUT THE  
19    STATE, BUT WE HAVE TO WORK THROUGH YOUR ISSUES AS  
20    WELL.

21                SO WE APPRECIATE YOU BEING HERE AND  
22    WE'LL KEEP YOU INFORMED.   I KNOW SOME OF YOU WANT  
23    THE DAMES & MOORE REPORT, AND WE'LL MAKE SURE YOU

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24 GET THAT. THANK YOU AGAIN FOR COMING.

25 THIS IS NOW OUR OPEN SESSION IF

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1     THERE'S ANYTHING ANYBODY WANTS TO BRING UP THAT'S  
2     NOT ON THE AGENDA. OTHERWISE, WE WILL RECESS INTO  
3     A CLOSED SESSION TO DISCUSS LITIGATION AND SOME  
4     PERSONNEL ISSUES.

5                     (THE MEETING WAS RECESSED TO CLOSED  
6     SESSION AT 3:55 P.M., AFTER WHICH THE MEETING WAS  
7     ADJOURNED.)

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